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THE  
GOVERNMENT  
OF  
MARYLAND



BY

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1 Maryland - Government

A.H.

E.D.

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## FOREWORD

This manual is written to meet the apparent need of the women voters of Maryland for information on their state government.

The difficulties experienced in getting material for the Citizenship School lectures and in securing answers to the questions asked by our members convinced us that such a manual would meet a real demand.

We wish to express our appreciation to Dr. Ella Lonn for the preparation of this volume. With her customary thoroughness, accuracy, and clear presentation, she has produced a book which certainly our members, and we believe every voter in the state, will find helpful and convenient.

We trust it will answer the need of the many new voters whose desire for information gives promise of enlightened citizenship.

MADELEINE LeM. ELLICOTT,  
President, Maryland League of Women Voters.



## Preface

In the writing of this guide to the scheme of government of our state, the author has set as her goals; accuracy, brevity, and clearness. She realizes fully that the curtain has been merely lifted on one fascinating phase after another of our government's activities. But it is hoped that the glimpse will lure readers on to further study. It is difficult to condense into paragraphs what can be handled adequately only by whole chapters. Citation of authorities has had to be largely eliminated. Even the bibliographies are drawn so as to direct to the most suitable and accessible references rather than to furnish complete lists of authorities. It is hoped that the qualities striven for are present in sufficient measure to induce readers to follow its dry pages, if not with pleasure, at least with some profit. That it will prove to be without error she knows better than to hope. A comprehensive and absolutely accurate piece of work, especially on so involved and difficult a subject as government, is not prepared in a few short months. Most of all, it is hoped that the book will prove a handy book of reference at a time when citizens are going to need to know just what duties pertain to each state office. We ask that we be judged by what we have attempted, and not by what we might or, possibly, ought to have undertaken.

Grateful acknowledgment is made to Mr. A. S. Cook, State Superintendent of Education, and Mr. F. R. Kent for kindly reading the chapters on Education and Political Parties, respectively. In a very special way the author wishes to acknowledge her indebtedness to Dr. Horace Flack and Miss Ella Hitchcock of the Department of Legislative Reference, without whose valuable compilations, materials, and constant friendly helpfulness the task would have been impossible in the time available. Dr. Flack has in addition read and made valuable suggestions for four chapters.

Baltimore, August, 1921.

E. L.

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## Chapter I.

### WOMAN'S SHARE IN POLITICS.

The demand of women for the right to vote was based originally on the principle of natural rights and this right is in accord with the fundamental principles of our government. When men were fighting for universal manhood suffrage, they objected to paying taxes to support a government which they had not helped to elect. The argument applied equally well to women. When women began to go out into factories and stores in large numbers, they found that the best instrument to protect their interests was that whereby men secured protection—the ballot. Finally, it is the same economic argument which justifies suffrage for the wife in the home. In pioneer days, she made nearly everything needed for her household; but today, when nearly everything comes in from outside, in order to be sure of the purity and safety of these articles, she needs to help frame the laws for their inspection, as she possesses the expert knowledge concerning them. Thus, women have an inherent interest in politics, of which many are not yet fully conscious.

Most of all, the average woman must realize that the government and laws do vitally concern a woman's world as well as a man's; that they reach directly into the home. They determine the purity of the milk she gives her baby, of the food she places on her table, the depth of the dust in the streets outside her door; the quality of education her children receive, the degree of fire protection for her home, the age at which her son goes to work, the conditions under which her husband works, the taxes which will go out of her home, the roads and hence the speed with which her chickens and eggs

will move to market, the telephone service which shall bring a doctor five miles to her sick child, and whether her son shall in the future be fodder for cannon.

Whatever attitude a person has taken toward woman suffrage, it is no longer a subject of debate; it is here. To oppose it, is to face backwards. And it is the duty of every woman who admits her citizenship to discharge her obligation toward the state. The conscientious woman, conscientious enough at least to feel her lack of information on matters of government and politics, has no right to leave voting to the person even less informed than herself—and less conscientious.

She owes it to the state to discharge her duty and she owes it to society to ally herself with the good elements working for pure politics, and for the general improvement of society. Those who are not for good government are, in spite of themselves, against it, for the dead weight of their indifference falls on the scale with the bad elements. Voting is not, of course, a right of any element in society, for those in control have been and are able to decide who shall have the right, but, once granted, it becomes a duty to exercise it.

But just as clearly as it is a woman's duty to vote, just so clearly she has no right to vote unless she understands the issues and questions underlying every election, the qualifications of the various candidates, as well as the qualifications needed for the offices which they hope to fill, and the duties which they must discharge. In other words, it is the solemn duty of every citizen to understand the essential facts of the government under which she lives—national, State, county, and municipal; to take the requisite time to study them. Our conclusions should not be made for us by the last speaker we hear before election, but be the result of our own long thinking.

And her duty is not done with the polls. If government is to be purified, if we are to have men accept office in order to serve their fellow-citizens and not to gratify their own ambitions or fill their own pockets, all good citizens, women as well as men, must go to the primaries,



to precinct and ward meetings, to help choose men of the type desired; and when the call comes, they must be willing to sacrifice their own inclinations in order to perform their part in serving the state in office.

With the vote has come a new and wide-spread interest on the part of women in how government works. But the realization of the importance of good government and the peril of bad government is complete only when we translate our alleged loyalty to democracy into action. The only salvation of a democracy is an educated, alert body of voters.

## Chapter II.

### CITIZENSHIP.

#### Who Are Citizens and How to Become Citizens.

##### The Source of Power

The United States is a republic. Maryland is also a republic, but a republic within a republic, as in both the source of all power is with the people. We, the people, choose the representatives to whom we give the right to represent us—to speak and vote for us.

##### Citizen or Alien

Every person in Maryland is either a citizen or an alien. Citizenship is a national matter with which the different states cannot deal, either by granting or refusing it. The constitution of the United States defines citizenship: "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state in which they reside." Indians not taxed, that is, native-born Indians who have not accepted land nor given up their tribal life are not citizens. On the other hand, persons born beyond the boundaries of the United States, of American parents, still remain American citizens, unless the father has never resided in the United States. In other words, the child of an American citizen may be born and live abroad his entire life without forfeiting his allegiance to the United States, but cannot transmit his citizenship to the next generation. But children of foreigners born in this country, of whatever parentage, are citizens.

##### Process of Naturalization

Congress has been given power by the constitution to make uniform naturalization laws for the whole Union and has done so. Any person born under foreign allegiance who lives in the United States, but continues a subject of that other country is an alien. But he may be-

come a citizen of the United States and thus of the State of Maryland after he has resided in this country continuously for five years and in Maryland, or in any given state, one year. He is required to be at least twenty years of age, able to write his own language and able to read and speak English, and to be of good moral character. The alien who wishes to become a citizen of the United States must fulfill the following requirements:

He must go to a federal court or a state court of record and swear that he intends to become a citizen and to renounce his allegiance to any foreign power. The declaration must contain information as to the applicant's name, age, birthplace, residence, and also the details of his arrival. He then receives his "first papers" or a copy of this document, which must be presented when he applies for final naturalization. The declaration of intention seems to serve no useful purpose, and might, therefore, well be no longer required.

**1. Declaration  
of Inten-  
tion**

Not less than two nor more than seven years later, but after five years continuous residence here, he must file petition for citizenship in any court with power of naturalization, provided he has lived within its jurisdiction the preceding year. The petition must be signed by the applicant and he must be accompanied by two witnesses in person, both of whom must be citizens, to testify to his required residence, character, and other claims asserted in his petition. If the alien has entered since 1906, he must also file his immigration certificate, showing the time and place of his arrival verified by officers of the court. He is required to answer a few simple questions on the fundamental facts of our government to satisfy the chief naturalization examiner of his fitness to exercise the franchise. In case of failure to satisfy the examiner, he is advised to study further.

**2. Petition**

Some time after ninety days he is summoned with both his witnesses to the court for a public hearing, which may not occur within thirty days of any regular election. He is given a simple examination on the fundamental facts of our government, and renews his oath

**3. Final  
Papers**

of allegiance. If the judge is satisfied from his replies that he understands our system of government well enough to make an intelligent citizen, he is given his certificate of naturalization, his so-called final papers, and departs from the court-room an American citizen with all the rights and privileges of citizenship.<sup>1</sup> The fees charged by the court amount to five dollars, one dollar at the time of filing the Declaration and four dollars at the time of filing the petition, though, including his loss of time from work to appear at court and the loss of pay which he must make good to his two witnesses, his new citizenship frequently costs twenty-five dollars or more. The question might well be raised whether these fees are not too high. Citizenship is not made valuable or desirable by making it costly or technically difficult to secure. The simple expedient of night sessions eliminates the loss of working time for applicants and witnesses. The question of some sort of ceremony in connection with the procedure has often been agitated. Old-world people are accustomed to dignified official forms and should not be allowed to undertake too lightly the new responsibilities and duties of American citizenship. The effect, where it has been tried, has been wholesome.

**Restrictions  
and  
Limitations**

Certain races and creeds are excluded from our citizenship. Only persons of the white and black races can become naturalized; Chinese, Japanese, and East Indians, any of the yellow or brown races, can become citizens only if born in the United States or if they serve in our army or navy. Polygamists are also excluded.

A naturalized citizen loses his citizenship if he returns to his native country and resides there two years.<sup>2</sup> This provision was a necessary protection against abuse of our naturalization laws, as aliens resided here the required length of time merely in order to claim American citizenship as a bar to military service in their native

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<sup>1</sup>Unless the applicant is from out of town, he must call for his actual certificate of citizenship in about ten days.

<sup>2</sup>He may retain his American citizenship by registering with the American consulate at certain intervals his desire to do so.

lands. But citizenship once acquired here is not fastened upon a person for life; he may renounce allegiance to our flag and acquire citizenship in his native or in another country.

An alien is protected under the law in this land just as fully as is the full citizen. Naturally, there is no discrimination between the native-born and the naturalized citizen. And a naturalized citizen has the right to claim protection abroad, except in the country of his birth, against obligations incumbent before he left it, in just the degree to which a native-born American may claim it. The naturalized citizen may aspire to any position in the entire government save only that of the presidency or vice-presidency of the United States.

An unmarried woman acquires citizenship by taking out papers of naturalization in exactly the same way as a man does. But a married woman, under our present laws, cannot become a citizen unless her husband cares to change his allegiance. She also has the same residence as her husband and must vote from the same place. A foreign-born woman by marrying a citizen becomes a citizen. Children under age become citizens of the United States automatically with their fathers.

**Citizenship  
for  
Women**

A native-born American woman by marrying an alien, although she never leaves this country, forfeits her American citizenship and becomes a subject of the land of her husband's allegiance. Therefore, no wife of a non-citizen, even though she continues to live in the United States, can cast a ballot. But, if her husband dies or she is divorced, and if she continues to live here, she resumes her original citizenship.

The absurdity of permitting a woman's citizenship to be determined by that of her husband becomes clear beyond question when one realizes that a foreign woman unable to understand one word of English or know one underlying principle of our government, may still be registered through an interpreter, and duly coached until she can enter the polling-booth and make her crosses as she wishes—or is instructed. Naturalization should

**Need of  
Change**

clearly be an independent process for each mature person, a conscious, voluntary act, whereby a woman, as a man, chooses deliberately the land to which she owes her allegiance and from which she claims protection. Our large women's organizations are pushing this matter of principle upon the national Congress so that in course of time this wrong will, doubtless, be righted.

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### **Chapter III.**

#### **REGISTRATION AND ELECTION IN MARYLAND.**

The power to determine who may vote and to fix the qualifications of voters is vested in each state for the citizens of that state. Every citizen of the United States twenty-one years of age, a resident of the state for one year and of the legislative district of Baltimore City or of the county where he offers to vote for the six months preceding election, and duly registered, may vote in the state of Maryland. The voter casts his ballot in the ward or election district in which he resides. In case the county or city is divided to form different electoral districts, the voter must have resided in that part of the county or city in which he offers to vote for the six months next preceding the election. A voter may vote in an election district from which he may have moved until he acquires a new residence. And "legal" residence for the six months preceding an election does not preclude absence for a vacation. The courts have held that residence means one's actual home, whether he means to reside there permanently or not.

**Who May  
Vote**

The residence requirement is entirely reasonable, as a person cannot become familiar with the interests of a community and state, with the issues presented, and with the qualifications of candidates until he has lived in that locality a reasonable length of time.

Maryland is unique in one of its requirements. Since 1902 people who move into Maryland from another state or territory are required to indicate their intention to become citizens and residents of the state by registering their names in a suitable record book kept by the clerk of the circuit court in a county, or by the clerk

**Declaration  
of  
Intention**

of the Superior Court of Baltimore City, the record to contain the name, residence, age, and occupation. No person can be registered as a voter until one year after he has entered his intent in such a record book. In the City of Baltimore and in nineteen counties, he may make a declaration of intention before the Board of Registry, when in session, in the district or precinct where he resides, and a copy is forwarded to the proper court.<sup>1</sup> This law was passed in 1900 to prevent the colonizing in Maryland of negroes from West Virginia and elsewhere in order to vote in Maryland elections. This requirement was waived for women in the election of 1920, as its enforcement would have been a manifest act of injustice and violation of the spirit of the Nineteenth Amendment, as there was not time for women to comply with the Maryland law. It has also been held by the attorney-general not to apply for future elections to women entering the state after March 29, 1902, and prior to August 20, 1920.

Conversely, since 1901, anyone leaving the State loses his legal residence unless he, within ten days after departure, makes an affidavit in the circuit court of the county or in the Superior Court of Baltimore of his intent to return six months before the next succeeding election in November and actually does so.<sup>2</sup> If he fails to so return, he can get back on the registration books only by the process of declaring his intention of becoming a citizen. A declaration by a husband in the case of entering or leaving the state fulfills the requirement for both husband and wife.

A citizen convicted after he is twenty-one years of age of larceny or other infamous crime, unless pardoned by the governor; a lunatic or one of unsound mind; a person guilty of participation in bribery in any form, or

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<sup>1</sup>In all except Baltimore, Howard, St. Mary's and Worcester counties.

<sup>2</sup>But this does not apply to people in the diplomatic service of the United States or to a secretary of a United States Senator or Representative for one term. Also the name of no voter is to be stricken off during his absence in the military or naval service of the United States. The names of persons so absent are to be entered on the books in any new general registration.

of fraudulent voting is not permitted to vote. A person to vote must have duly registered on one of the days designated by law.

The state may lay down its own qualifications for voters, but within limits: a state cannot deny the right to vote on account of color or sex under the Fifteenth and Nineteenth Amendments to the constitution of the United States. The Fourteenth Amendment provides for a reduction in the electoral college and in representation in Congress for any state which denies the right to vote. But, although several of the southern states have virtually discriminated between their citizens on account of color by an educational and property qualification, from which men who voted in 1867 and their descendants are exempted—the so-called “grandfather” clause—and although Massachusetts and Pennsylvania have each an educational and tax qualification, respectively, which excludes citizens, the rule has never been seriously considered.

**Protection  
of the Voter  
by the United  
States**

In cities with their dense and floating population, it is obviously impossible for the election officials to know every person who presents himself at the polls to vote; hence, safeguards must be erected by the state to prevent the possibility of false or double voting. Therefore, in the city of Baltimore voters must present themselves biennially in the even numbered years before the Board of Registers in order to have their names appear on the registration books. In the counties a new general registration occurred in 1914 and will occur again only as the state legislature may prescribe.

**Registration  
of Voters**

Before the November election of every odd numbered year, revision of the registration by the Board of Registry is required in each precinct in the city of Baltimore. For this purpose, the Board holds a session from 12 M. to 10 P. M. on Tuesday six weeks and four weeks preceding election and on the Saturday following the Tuesday four weeks preceding election in order to add names. In the counties, sessions are held on Tuesday five and four

**Revision of  
the Lists**

weeks before each regular November election from 9 A. M. to 9 P. M. The names of persons dead, removed, or disqualified are struck off with a statement as to whether the names are stricken off through the register's own knowledge or through information from others. If a person removes from one district to another, he must obtain a certificate of registry and present it in the proper poll of the district of his new residence, while his name must be stricken from the old register.

In every second year, registration books for Annapolis are required to be open on the third Monday in May and the first Monday in June to register new voters and to correct registration books before the biennial municipal elections in July for that city after ten days' public notice by the supervisors of Anne Arundel County.

The Police Commissioner of Baltimore City is required to take a census of the legal voters in each precinct between September 1st and the beginning of the registration in each registration year, giving the address of each voter. A copy is given to each Board of Registry, and the policemen who perform this task are assigned for duty on registration days to the precincts of the neighborhood where they took the census as a check on the Board of Registry.

The governor appoints biennially in each county, and in Baltimore City, with the consent of the Senate, if in session, three persons who constitute the Board of Supervisors of Election of the respective counties and city and who have general charge of the election. Supervisors must be residents and voters in their respective counties or in Baltimore. Two must be selected from the two leading political parties, one from each party; the third is in the nature of things of the same party as the governor; all must be persons of high character and integrity, and of recognized business capacity. Supervisors organize within twenty days after appointment.<sup>3</sup>

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<sup>3</sup>Supervisors receive an annual salary of \$2,500 in Baltimore City, and compensation in the counties which varies, ranging from \$125 up annually, depending on the number of polling places and the number of elections.

Each year the Board of Supervisors in Baltimore City selects, before July 1st, four judges of election and, before September 15th, two clerks for each election precinct or election district, appointments to be equally divided between the two leading parties. In the counties two judges are selected before July 1st, the other two judges and clerks being appointed before September 15th.<sup>4</sup>

**Election  
Officers**

The judges, four in Baltimore and two in each of the counties, shall constitute the Board of Registry. The Board shall sit on Tuesday six weeks before the regular November election and on Tuesday and Wednesday four weeks before the regular November elections; and in Baltimore City also on Saturday after the Tuesday four weeks before the regular election. On Tuesday three weeks before election, the Board meets in Baltimore City to revise and hear complaints, but adds no names. The Board of Supervisors must give ten days' notice of the time and place of registration, of revision and of elections in each precinct by handbills and notices in the newspapers. On Tuesday before any primary election additional opportunity for registration for new voters must be afforded.

**Board of  
Registry**

The officers sit with open doors from 12 M. to 10 P. M. in Baltimore on the legally appointed days. The registers must, however, have previously taken an oath to support the constitution of the United States and the laws and constitution of Maryland before one of the supervisors in Baltimore or before a justice of the peace or notary public in the counties. They will have received from the Board of Supervisors the two registration books in which two of the officers will record alphabetically for the first letter of the name in the proper columns the answers to questions asked of all registrants.

**Process of  
Registration**

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<sup>4</sup>Judges and clerks must be legal voters, must reside in the precinct or district for which selected, must be of good capacity and character, able to speak, read, and write English, be skilled in the four fundamentals of arithmetic, not hold any public office or be a candidate for office at the election for which they are serving. But if a suitable person cannot be found in the precinct, the Supervisors may select some one from another precinct. The pay of judges varies through the counties from \$3.50 to \$6 per day.



The voter is sworn in person to make truthful statements to all queries; then the name of the applicant, the color, age, birthplace, address, whether he occupies the whole house, a room or an apartment, the length of time of residence in the state, and the length of time of residence in the county or city are recorded; if a foreign woman, whether her husband is naturalized, if married; the date thereof and the court in which he was naturalized; whether he is registered or not. Naturalization papers are not required if a majority of the Board is satisfied that for the last preceding three years he has been a voter in this state. A person may decline to state his party affiliation in order to feel entirely independent in his vote. He is required to sign his name in each of the registration books, which are checked up at the end of each day to correct any errors. To avoid dishonesty by either official in charge of the books, each is required to sign his initials below the last name registered under each letter in the book kept by him. A heavy penalty of a fine or imprisonment or both is provided for giving false answers to the registration officials. Within three days of the end of each session, the supervisors must post in ten prominent places in each precinct three lists: one containing the names of all persons registered, another of all rejected, and a third of all erased from the registry.

#### Challenge

Any voter may be present at the registration place and challenge an applicant. The latter is questioned by the Board of Registry and rejected only if a majority agrees to such refusal to register the applicant.

#### Hearing for Rejected Voters

On the last registration day the Board of Registry makes a list of the persons suspected of not being legal voters who must be notified by mail and personally before the succeeding Friday to appear before the Board the following Tuesday. At the close of the last sitting the members of the Board of Registry compare and correct the books, sign their names under the last name of each letter and return the book to the supervisors, together with the lists of names erased by them. Certified copies



of all persons registered in any ward are printed and available at two dollars per precinct or at one-half cent per name in the counties. In Baltimore City printed lists must be open for inspection in the office of the supervisors.

Any voter who feels aggrieved for rejection or failure to strike a voter from the lists may appeal to the circuit court of the county or to any court of Baltimore City, according to his place of residence, whereupon the court must set a hearing. Appeal is allowed to the Court of Appeals if taken within five days.

**Appeal to  
the Courts**

The general elections take place in the fall, on the first Tuesday after the first Monday in November. National elections for President and Vice-President occur every four years in a year divisible by four. Elections for Senators and Representatives to Congress occur at the same time and every second year at the corresponding time.<sup>5</sup> State elections for members of the state Senate and House of Delegates occur in the odd-numbered years, with an election for governor and attorney-general occurring but once in four years. City elections occur in the spring of an odd-numbered year, the next occurring in 1923 and each four years thereafter. It is clear that an effort is thus made to separate state, national, and municipal issues. The danger has been that when voters elect city or state officials at the same time with the President or Senator, national issues entirely efface local considerations and issues.

**Time of  
Election**

The wards of the city and election districts of the counties are divided into voting precincts, each containing one polling-place. Election districts were established when the voters in any one county became too numerous to meet in one place on Election Day. They vary in number from three to twenty-five according to the size of the county. An election district should contain as many voters as can conveniently reach the polls during the hours of election. Precincts and districts are divided

**Election  
Districts and  
Precincts**

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<sup>5</sup>Except once in four years there is no election for Senator, due to the six-year term of our federal Senator.

when they contain over four hundred and fifty and four hundred registered voters, respectively, in the city and county. In the counties the Supervisors of Election may make a new election district whenever a district has become too large for one poll.

There is to be in the near future a general redistricting of the entire city of Baltimore to draw ward lines more fairly to meet the shifting changes in population. This will involve necessarily a redrawing of all precinct lines.

Election districts are artificial. If no heed is paid to economic or social conditions, they may lack unity and coherence. They have also the defect of instability, for they may be redrawn each decade just as the residents are forming habits of political association. And, lastly, they are unwieldy, as several thousand citizens never take common counsel, or meet together as a unit.

#### The Election

Polls must be conveniently located on the ground floor, facing the street or road in public buildings where practicable, due notice of the location of which shall have been given ten days before election. A railing shuts in the voting booths and tables, and inside this railing no one but the election officials are allowed under the law. Each political party has a right to keep a challenger and a watcher at each poll outside the rail, but in such position as to command a view of each voter, the booths, and the ballot box. After the polls are closed, the representatives may remain within the rail until the returns are completed.

The polls are open in Baltimore City and in the counties from 6 A. M. to 7 P. M., at which hour the polls are closed. Before voting begins, the ballot boxes are opened and inspected to see that they are empty. Booths are provided in the proportion of one per hundred voters, but there must be at least five in any polling-place in any city, at least three in any polling-place in the county. Booths are constructed along the side of the room with short curtains in such a manner as to insure privacy while the ballot is being marked. There

is a shelf, an indelible pencil, and candle, if necessary, for convenience in marking the ballot. No ballot marked with anything except an indelible pencil is valid.

As each voter presents himself at the polls, he is required by one of the election officials to give his name and address, which is repeated by the judge. As soon as he is identified from the registration book, the voter enters the rail, the judge writes the voter's name and number on the detachable coupon one inch high and three inches wide which is attached to the upper right-hand corner of the ballot, and hands the folded ballot to the voter, after writing his own initials or name on the back. The two clerks enter his name in the two poll books. The voter then enters one of the booths arranged along the wall. With the indelible pencil attached to a string in the booth he indicates his choice for the various offices by a cross in the square opposite the name of the candidate for whom he wishes to vote. Care should be exercised to make the intersection within the square and not to make any other mark on the ballot which might be interpreted by the judges as a mark of identification to show a watcher that a voter has voted as he was paid to vote. If the ballot has erasures or is in any way defaced, it will be thrown out as void. Not more than seven minutes may be consumed by any one voter if others are waiting for a booth. He returns his ballot folded just as he received it to insure secrecy to the official from whom he received it, who will detach the coupon, string it on a cord or wire, deposit the ballot in the box and announce that "—— ——— has voted." The judges record a "V" or "Voted" in the register's book to prevent the possibility of duplication. A vote may be challenged, whereupon the voter is questioned on oath. If he swears he is eligible, the vote is accepted, if agreed to by a majority of the judges.

**The Voter  
Cast His  
Ballot**

A voter is allowed three ballots but no more, if he blunders in marking them. The ballots spoiled must be returned to the judge, who marks them "spoiled" and returns them, together with unused or defective ballots,

**Number of  
Ballots**

to the supervisors to be destroyed. Great care is exercised with regard to the ballots. The number provided at each poll is twice the number of registered voters, but each must be returned to the supervisors, who destroy all unused and spoiled ballots. Assistance is allowed to voters who declare under oath that, due to blindness or physical disability, they are unable to mark their ballots, though even then no suggestions are permitted by either of the two clerks who escort the voter to the booth and mark the ballot at his dictation.

**Dishonesty  
or Intimidation at the  
Polls**

A heavy penalty is imposed for giving false answers to the registration clerks, for attempting to coerce or intimidate registrants, varying from six months' imprisonment to five years. Similarly, fraud, plural voting, bribery, threats, or coercion, direct or indirect, to influence the vote, or interference with election officials involve the same penalty. Likewise, the law is rigidly severe in an effort to insure honesty on the part of the judges and clerks of election.

**Worker  
Entitled to  
Time to  
Vote**

In every election employers are required to allow sufficient time with pay for their employees to vote, but not to exceed four hours, though the employers may indicate a smaller if reasonable amount of time. If employers refuse or try to hinder their employees from exercising their right by threats of discharge or a reduction of salary or wages, the former are liable to a fine or imprisonment, or both.

**The Canvass  
of the Vote**

At the designated hour the polls are closed and the count of the ballots is begun immediately and completed without adjournment. The ballots may not be handled by anyone except the officials, although the watchers may insist on seeing every ballot and watching the count. They are canvassed separately by one of the judges seated between two other judges, which judge calls out each name and office for the clerks to tally. The clerks compare their tallies and announce to the judges the result for each candidate. This obviously may require hours if the candidates are numerous. The returns are

reported as soon as completed to the Board of Police Commissioners to file, while duplicate returns are sent to the proper court and to the county commissioners or to the Mayor of Baltimore City.<sup>6</sup> The mayor or county commissioners turn over the returns and tally sheet to the Board of Canvassers which consists of the Supervisors of Election. As an organized body, they meet during the noon hour on the Thursday following election in the superior or circuit court room, and in public canvass and declare the result. Finally, the Board of State Canvassers, consisting of the secretary of state, comptroller, treasurer, clerk of the Court of Appeals, and attorney-general, meet at the office of the secretary of state thirty days after a state election, compile the statements, and declare the results of the election. The commissions of election are issued by the governor to the persons declared elected.

The ballot used in Maryland is the so-called Australian ballot, first devised to insure secrecy. It is so named because the printing of official ballots was first done in Australia. It bears on one sheet without party emblem the names of all candidates of all parties for all the offices to be filled at a given election. The names are grouped by offices, and are arranged alphabetically according to the surname, except in the case of presidential electors, immediately under the name of the office. Instructions to the voters designate the number legally to be voted for. (Illustration: Vote for eight, vote for one, etc.) To the right of the name of each candidate is added the candidate's party or the word "Independent" or any other word to designate his principles. The names of the candidates for electors of President and Vice-President are arranged in groups, those at large appearing first, the rest in the numerical order of the Congressional districts in which they reside. If the total number of

**The  
Australian  
Ballot**

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<sup>6</sup>Each judge and clerk assumes charge of the ballot-box or of one of the registers which must be delivered before noon of the following day in the city or of the second day in the counties. There is much formality in the sealing of the ballot-boxes to insure honesty. The boxes so sealed are kept for four months to be produced untouched in case of a disputed election.



names in one election exceeds thirty-six, a second or third column is added, and Constitutional Amendments or referenda questions are printed in a separate column at the right of the ballot.

Until recently the ballot was printed in strict party columns, so that the easy way for the voter was to vote a "straight ticket"; that is, put a cross in a circle at the head of the whole column and thus automatically vote for each nominee of that party. Party emblems, such as the eagle or rooster were also permitted to guide the illiterate voter. The present method encourages a slight degree of independence and intelligence. Blank spaces are provided under each office so that the voter may write in the name or names of candidates whom he prefers to those already printed.

#### The Short Ballot

There has been much agitation the last few years for a "short ballot." This merely means reducing the number of elective offices. In some states where state and municipal elections are held at the same time, the ballots are so long that they can be measured by the foot or even yard. Obviously, it is impossible for the most intelligent and interested voter to know the merits of all these candidates. Maryland has already reduced the number to be passed upon at some elections to a relatively small number, but voters are called out frequently, several times every year for primaries and elections, while in some years, 1923 for instance, they will have many names thrust upon them for consideration. Concentration of responsibility in the hands of a few men, in whom is vested the appointment of many with strict accountability on the part of the few to the voters, would solve both difficulties and marks the present trend in our state governments—unrealized as yet except in a few states.

#### Voting Machines

Voting machines are expensive, but they do away with the need of voting-booths, reduce the number of officials necessary, and reduce the time necessary for computing the result. Doubtless the loss of posts with loss of incidental pay for the present large number of

officials explains the opposition of some elements to the machine, aside from the legitimate plea of expense. The voting machine is a simple contrivance, whereby the vote is automatically recorded and counted as the citizen casts his ballot. A description of one widely used machine follows: A knob, called the Entrance Knob, when raised by the election officer, unlocks the curtain lever, the voter steps before the machine, closes the curtain about him by touching the curtain lever and unlocks the machine for voting. The curtain lever can then not be moved until a vote has been cast. Near the top of the machine appear questions which are to be voted on with the words "yes" and "no" above each. Below the questions appear the titles of the offices to be voted on with the names of the candidates directly below the title of that office, and arranged in a column or columns as directed by the law of the State. Above the name of each party, above the name of each candidate, and above the "yes" and "no" of each question is a voting pointer. If the voter wishes to vote a "straight" ticket, he turns down the voting pointer over the name of his party and leaves it there, or he can turn all the pointers down to voting position. If he wishes to vote a "split" ticket, he turns down a pointer over the name of each candidate he wishes to vote for and leaves it in that position. Similarly, a pointer is turned down over the "yes" to record an affirmative vote or over the "no" to record a negative vote. The machines permit the changing of the vote while the curtain remains closed. Turning the pointers indicates the vote, but it is only the turning of the lever which register and counts the vote. This action also opens the curtain and locks the machine until the next voter appears. Provision is also made for slides above each office column behind which is a roll of paper on which the voter may write the name of his choice. The opening of the curtain moves the paper down, carrying the vote out of view. As the machine registers, counts, and adds each vote, as it is cast, no counting is necessary by the officers. Under the Maryland law, the use of election machines is permissible, but the ob-



stacle has been the cost, for each machine costs about a thousand dollars. The installation of the system frequently represents, therefore, an investment of a million dollars.

#### The Cost of Elections

The cost of holding elections to ascertain the will of the people is small in proportion to the amount spent for other needs of government. In the budget for Baltimore City it amounted to \$272,845.20 in 1919.<sup>7</sup> If officials would avail themselves of the right to use school-houses and other public buildings as polls and if only a few extra ballots were prepared instead of double the number for each precinct, a considerable saving could be effected.

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<sup>7</sup>It might be interesting to compare these figures with the cost of elections in Chicago, where the total for the presidential election of 1916 was \$672,558. Based on a chart issued by The Legislative Reference Bureau of Illinois.

## Chapter IV.

### POLITICAL PARTIES AND PARTY ORGANIZATION.

In matters affecting the machinery and work of its political parties, each state has complete self-government. The national party committees do not control the state organization. This party independence has not always received the emphasis it deserves, but the state machine is the power which sets and keeps in motion the whole of representative government.

**Importance  
of State  
Machine**

A political party may be defined as a group of voters organized for the purpose of securing control of the government by the election of their candidates in order to carry certain policies into effect. In any case, they are groups of voters who profess to think alike on public questions.

**Definition  
of Party**

Parties in the United States reared their heads in the constitutional convention of 1787, and yet the fathers were opposed to faction, and frowned sternly upon the "pestilential influence of party animosities." Even ten years after the framing of the constitution Washington in his farewell address warned the country "in the most solemn manner against the baneful effects of the spirit of party." Madison and his colleagues were concerned to keep the party system out of the United States and yet this stone which the builders rejected has become the cornerstone of our system, for parties are inevitable in all free governments. Where the people select their own officers and frame their own policies, assert the right to think their own thoughts, and to speak aloud their thoughts, political parties have proved the best device yet discovered to accomplish this purpose of governing themselves. The experience of the nineteenth century

**Early Attitude  
Toward  
Parties**

was to prove that parties will arise and thrive under all and any forms of popular government, and that far from being an unmitigated evil, they were an essential of sound democracy.

## History of Parties

There are now two principal parties in the United States and always have been. They have had different names at different times, but the line of descent is easily traced. In addition, there has been most of the time, since 1830 at least, smaller parties.

The first two parties were the Federalists, in the saddle from 1789 to 1800, who believed in a real union, a strong, central government exercising all powers that could logically be allowed it under the constitution; and the Anti-Federalists, who believed in a strict construction of the powers granted by the constitution to the central government and stood for states' rights, conceding to the central power only the care of the common defense and such things as could not be handled by the states. Professing states' rights but in practice following centralizing policies, came the Republican party, which held the reins of government from 1800 to 1820. It drew from both parties, but especially from the Anti-Federalists until it in turn became the progenitor of both our present great parties. Jacksonian victory from 1824 to 1828 brought democratic supremacy and domination of frontier democracy as opposed to the conservatism of the Whig manufacturers and capitalists. Arising out of the slavery issues grew up the Republican party, successor to the Whigs in economic and governmental theories. Basing its principles during the Civil War on a creed which might be summed up as unconditional preservation of the Union, supremacy of the constitution, and suppression of the rebellion, it carried the country to success against the Democrats, split as they were into factions. It swept the polls steadily, except for Cleveland's two elections in 1884 and 1892, until 1913 through a period of realignment and dissent and despite Progressive movements within its own ranks.

## Party Principles

So delicately are the parties poised that it is difficult to detect from a reading of the platforms of the parties

much of essential difference between them. Since the split in the Republican ranks in 1912, party lines have been almost obliterated. Democrats have urged and passed measures which flatly contradicted oft-announced principles, while Republicans have adopted Democratic measures when it suited their purposes. In broad statements, one may say that the Republicans have advocated a liberal construction of the constitution and extension of the central powers, and have believed fairly consistently in a high tariff to foster home industries. On the other hand, the Democrats have viewed jealously extensions of federal control as encroachments on states' rights and have insisted on a low tariff for revenue only.

Republican

Democratic

Minor Parties

Minor or third parties, chief of which at the present time are the Socialist and Farmer-Labor parties, have appeared frequently, only to disappear again, but they have usually left a lasting effect on the dominant parties. The former commands attention by virtue of its rapid growth and the revolutionary character of its doctrines. Every citizen, favorably or adversely inclined to socialism, should be keenly aware of its marvelous growth and profession of faith, as the triumph of the party would lead to new foundations for American society. The Socialist movement so far has been largely a working-class movement. In existence from 1877, it assumed striking proportions when it increased from 1896-1900 248%, from 1900 to 1904 239%, and from 1908 to 1912 100%.<sup>1</sup> It has an enrolled membership of 150,000, each paying the annual dues of \$3 a year, with a corps of over 4,000 organizers, paid and volunteer, at work swelling the membership. The party has won notable victories in

<sup>1</sup>The drop from 927,180 in 1912 to about 600,000 in 1916, due to war conditions, seems to have been retrieved in 1920.

The following table shows the gain during four-year periods:

1892....	21,164	
1896....	36,274....	71.4% gain
1900....	127,553....	248.8%
1904....	533,537....	239 % , some in every state, but gain most marked on Pacific Coast and in Northwest.
1908....	463,800....	7% In all but 2 states.
1912....	927,180....	100% In every state.
1916....	600,000....	33% Loss
1920....	915,302	

local campaigns in 1910 and 1912, having elected 28 mayors, several assemblymen, and one Congressman,<sup>2</sup> 435 officials in 33 states in all. Its profession of faith embodies a protest against the economic order: abolition of charity; state insurance for old age, accident, illness, and unemployment; a minimum wage; shorter work-day; collective ownership of railroads and all transportation and distributing agencies; collective ownership of land and of natural resources; and public ownership of all banks. Its political faith demands the advocacy of the initiative and referendum; abolition of the United States Senate; abolition of the veto of the president and of the power of the courts to hold a law unconstitutional; direct election of the president, of the cabinet, of judges for short terms, together with popular recall of the president, and amendment of the constitution by popular initiative. There are many wings of Socialists from conservatives to radicals who are in sympathy with the extreme I. W. W.s,<sup>3</sup> but it should be clearly understood that the party does not oppose government—is not anarchistic. It believes in a co-operative commonwealth where the government controls everything, and everybody, which goal is to be achieved by propaganda and the peaceful conversion of a majority of the electors to these views.

#### Farmer-Labor Party

This new faction, created in 1920 by the union of farmers, labor-unionists, and members of co-operative societies, avows as its purpose a "restoration of democracy." It demands the abolition of imperialism in all its forms, including our withdrawal from the Philippines and Haiti; recognition of the Irish and Russian "republics," and an increasing share in the management of industry on the part of labor. It pledged itself in its platform to the entire Bill of Rights of Labor, to collective bargaining

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<sup>2</sup>The election of Emil Seidel and the entire city government in Milwaukee is the most conspicuous. This statement is based on figures up to 1912.

<sup>3</sup>The Industrial Workers of the World hold that the working class and employing class must continue in their conflict until the workers of the world organize as a class, take possession of the earth, and abolish the wage system. They wish to abolish capitalism altogether by "direct action," which seems to hint at revolution.



even for government employees, to a 44-hour week, and to a wide measure of public ownership of natural resources.

Organized in 1872 to the end of legislative prohibition of the manufacture and sale of intoxicating liquors, except for religious, medicinal and scientific purposes, which end would seem to have been attained in the Eighteenth Amendment, the party still continues its organization. It may still become an important party in the event of an effort to repeal prohibition.

**Prohibition  
Party**

Ours is essentially a two-party system. The creation of a third party involves such enormous labor and expense that it has grown well-nigh hopeless with the size of our country for any group of men to organize a party which can contend successfully with the two major parties. The members of a party prefer to continue voting with the old party, or to rebuke it by allying with their late foes, or even not to vote at all rather than to throw away their votes. But still third parties serve an important purpose, as they have awakened the nation to new issues, and have had a distinctly modifying influence on the old parties, often turning them sharply into new and distasteful paths. They are usually composed of patriotic zealots of earnest conviction and forceful purpose. It is bad doctrine to subordinate convictions to party, voting for men one does not trust and principles one has outgrown.

**Value of  
Third Parties**

But some sort of a party organization, a machine if you will, is not only natural, but essential in any responsible government. Only a despotism or anarchy can dispense with parties. They have been truly termed the "sects of statecraft." The individual voter, or scattered, unorganized voters, no matter how conscientious and pure-minded, are helpless to improve politics or select their choices. It is only through organization that they can make themselves effective. It is the party which selects the issues to present to the electorate in the form of a platform; it establishes responsibility, for the penalty for an unfortunate choice falls on the party; it serves

as the agency for educating the public; it develops party zeal by means of literature, rallies, political meetings, and by harrying the voter to the polls. But to discharge these functions there is imperative need of machinery: workers, caucuses, ward, county and state committees, as well as funds. Without unity of effort, parties would break up. Although national, state, and local campaigns are waged, the same party organization suffices for all.

#### **National Committee**

This body, at the apex of the organization, is made up of one member from each state.<sup>4</sup> It organizes and decides upon the time and place for the national convention of the party to nominate candidates for president and vice-president and to formulate the party platform. Since 1912, the national committee of the Democratic party has been chosen by the voters at the primary, one member from each state. The Republicans, however, continue to name members of its national committee, whenever the states do not require their election at primaries, by means of the national convention. The work of the national committee of each party is primarily concerned with presidential elections and covers a wide field. The detailed work is delegated to the state and local committees, but the control and direction of general policies come from the executive committee of the national committee.

#### **State Committee**

The body which controls the party activities in Maryland is the State Central Committee, made up in the case of the Democratic party of all the county committees and of the committees for the four legislative districts of Baltimore City. In the case of the Republican party each county is entitled to as many members on the State Central Committee as it has representatives in both branches of the General Assembly, but for Baltimore City there is one member for each ward with four committeemen-at-large. In both parties the regular number may be exceeded if the local leaders feel that an enlargement would further party interests. The Demo-

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<sup>4</sup>Although a discussion of the national committee does not properly belong to a study of the state machine, it is added for purposes of clarity.



cratic committee in each county has been recently increased (July, 1921) from three to six members to admit of the possibility of adding women members. Party rules are very flexible, as they are changeable at any sitting of the State Central Committee.

The size matters little, as the large central body is chiefly a campaign committee only. Out of this large number, at present 178 in the Democratic circle, 134 in the Republican, is selected a smaller executive committee, which really formulates the policies of the party. They are chosen by the members of the State Central Committee in each case.

The chairman of the State Central Committee is chosen differently by the two parties: The Republican Committeemen elect their chairman from among their own members, while the chairman of the Democratic State Committee is appointed by the chairman of the state convention. Effort has been made within the ranks of the Democratic party to have this rule changed, and make of the office an elective post. The Democratic party combines the office of chairman and treasurer, the incumbent being nominally the head of the party organization, though he may often be a mere puppet, obeying the behests of the real party leader in the state, who prefers to avoid the limelight or is already in some important political office which renders his identification with the chairmanship inadvisable. Upon him as treasurer devolves largely the task of raising party funds and defraying the expenses. The secretary is, during the campaign, a paid official, who must be an energetic worker with a capacity for details if the party is to be effective.

**Officers**

**The  
Chairman**

**Secretary**

In general, the State Central Committee sees that the local party organizations, both in the cities and counties, are kept active and that they attend to the registration of the voters, and the proper distribution of local patronage; in a word, it sees that the party machine is kept well oiled and running. Between campaigns necessary functions are usually discharged by the chairman or secretary, though headquarters may be closed

**Functions of  
the State  
Committee**

and deserted for long periods and interest quiescent except in the occasional appointments which may arise. But let the election approach, and the committee awakens; it makes the strategical plans for the state campaign; it fixes the date and place of the state convention where the state platform will be formulated; it plans and solicits funds, studies the field so as sometimes to hand-pick the candidates despite the theory of popular selection by primaries; apports money for the campaign expenses; and issues campaign literature.

## **2. County Committees**

The State Committee may decide questions of policy, but it is the county and local committees which bear the burden of the work. All the members of the county committees and of the legislative district committees of Baltimore are elected at the primary election at which candidates for county office are nominated. In some counties care is taken to find candidates for the county committee from the various election districts in order to antagonize no one section by undue honor and preference to other sections, but all are elected on one general ticket for the county.

## **3. District and Precinct Committees**

The chairman of each county committee, usually an experienced politician, is chosen by the members of the committee. Each county committee appoints sub-committees for the various election districts in the counties and for the wards in Baltimore City. Here there are also committees created in each precinct. In some hard-fought campaigns there have even been block organizations in the foreign section. Usually the committee members of the four legislative districts elect a city chairman to direct the activities of the entire city of Baltimore. The completeness of the organization naturally depends on the activity of party leaders, importance of the campaign, and amount of funds.

## **Functions of the Local Committees**

The party leaders expect of the local committees, county and district, the registration of the voters, the canvassing, the holding of local rallies, the selection of poll watchers, acquaintance with every voter in a pre-

cinct, provision of cars to take voters to the polls—all this for the ultimate goal of getting out the full party strength on election day. It is on these local committees, then, in the last analysis, that party victory depends and the state committee will be efficient in the degree that the local committees are made up of slackers or workers. The perquisites of a local captain are not great; he may make recommendations for patronage, but it is the county chairman who distributes the spoils. His one real qualification is loyalty to the party and to his chairman.

There are also various semi-independent party associations in Baltimore City, and a few in some of the counties, so-called Democratic or Republican Clubs, composed of members of the same political faith banded in a semi-social but largely political group. The activity of the Eleventh Ward Democratic Club of the City during the campaign of 1920 affords a good illustration. They afford opportunity to utilize the enthusiasm of promising young leaders who through a little honor may be more closely welded to the party, and to harmonize the different elements of the party in the district. But, in addition, in the past, they afforded in some cities opportunity for some questionable practices for which the party could conveniently disclaim responsibility. Under our present very strict laws that is much more difficult today.

**Leagues and  
Clubs**

Each party holds a convention in this state, the members of which are chosen at party primaries just before the convention, each county and legislative district sending as many delegates as it has representatives in both houses of the state legislature. This makes a considerable body, around 130 in number. The functions of the convention vary with the year. In the years in which state elections are held, the convention nominates the state ticket, though the delegates are regarded as bound by the primary vote so long as the choices of their respective districts have a chance. It also nominates delegates to the national convention and candidates for presidential electors. If the people have not voted on their choice for candidate for president, the

**State  
Convention**

state convention instructs the delegates. But the chief work of the convention is to draw up the state platform. Although this is done nominally by a committee, the party leaders have usually already agreed upon the main planks before the convening of the formal body. They are of relatively little importance, as they are used chiefly to indorse "with pride" the national policies and acts of the respective parties, and to assail "with regret" those of their political adversaries. Like the national platform, which they copy, they are sometimes marvelous concoctions of platitudes and evasive planks which commit the party to nothing. They even sometimes indulge in expressions of opinions on foreign questions, with which the state government has nothing to do. However, they do occasionally present vital and strictly state issues. The platforms of 1921 are illustrations in point.

**State  
Regulation of  
Party**

Parties were not at first regarded as part of the government, but outside of it, something tolerated because they could not be escaped. As the country developed, the party machines also developed into greater complexity and strength until the state grew fearful and was forced to regulate them. Hence, party conventions, primaries, and funds are regulated in Maryland by state laws, the so-called Corrupt Practices Laws.

**Party Funds**

No party can be run without funds, and they are secured by subscriptions from members of the party, from officeholders, from interested candidates and their friends, and from interests which favor and support a given party in the expectation of benefits from that party. Despite the passage of the merit system, officeholders are not secured from receiving the usual solicitation for funds. This latter source of funds became such a center of corruption that Corrupt Practices Laws were passed in all the states, applicable to all elections and primaries. Full publicity as to the source of funds and of their expenditure is secured in Maryland by requiring the payment of money only to duly appointed treasurers for each committee, who must under heavy penalties, within twenty days after election, file in the Cir-



cuit Court a detailed account of all contributions and expenditures; by requiring a similar sworn statement from all candidates; by rigidly limiting the amount which may be spent on elections by a candidate;<sup>5</sup> by forbidding all contributions from corporations; and by prescribing the expenses which may be legally incurred by a candidate or by a treasurer of a committee, in excess of the sum proportioned to the voters, such as telegrams, stationery, traveling expenses, etc. All parties which poll ten per cent. of the entire vote of the state are required to select their candidates, delegates to the conventions, and their executive committees by direct primaries of the voters of the party.

Much has been written in condemnation of bosses and bossism. But bossism and leadership should be distinguished and we should cease confusing the two words. A leader has definite duties, a place defined by law, direct responsibility, and works in the open; a boss, on the other hand, secures his authority by indefinable and often underhand means, uses the machine for his personal ends, as well as party purposes, and is responsible—to no one. Theodore Roosevelt's distinction between boss and leader can probably not be improved upon, "The leader holds his place by firing the conscience and appealing to the reason of his followers, while a boss holds his place by corrupt and underhand manipulation." Every political unit looks up to a recognized head; but a boss is unnecessary. Bossism flourishes best where the tone of politics is low. And it is the voters who determine which shall prevail—bossism or leadership. Every true boss must have just those natural gifts and assets which win success in any other field: Firmness, courage, patience, tact, resourcefulness, shrewd judgment of men, power to recognize opportunity, whatever its guise, a physical body able to endure any strain, a real joy in doing favors, and—a conscience easily quieted.

**Bossism**  
**vs.**  
**Leadership**

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<sup>5</sup>The amount is fixed. It may not exceed \$10 for each 1,000 up to 50,000 and \$5 for each 1,000 in excess of 50,000 of the registered and qualified voters, all to be paid by a treasurer or political agent. Bagby Code, art. 33, chap. 122, sec. 167.

## Cure for Bossism

The cure for bossism is the removal of the conditions which breed it: Fewer elective offices, a short ballot, the merit system, simple election machinery, open contracts, regulated lobbying, more generous social agencies in the large cities to rob the boss of his opportunity to play the role of benefactor to the poor foreigner, civic education for the whole body of voters, and—most important of all—an alert civic consciousness which never sleeps. Our boasted democracy is laughed to scorn when one man exercises control over any body of voters, large or small, without responsibility. But the end of bossism does not mean the end of party. Let not the evils obscure the merits of the system. We have proved again and again that party contests can be clean, and that democracy must have parties. And we, the voters, can make party what we will.

## The Place of the Independent Voter

The guilt of the average voter consists in voting according to party affiliation even in the state and local elections, and at all costs. And yet usually national questions are entirely distinct from local or state issues. Qualifications for office, fitness morally and mentally, should be the only consideration in city and state elections; party issues have no place. Interest in questions of national policy has overshadowed popular interest in matters with which the individual states have to deal, with the result that the great lines of political cleavage run throughout the entire nation. Still the number of independent voters is growing. They can wield a great influence, for if a perceptible number watch the calibre of the candidates, break from their party allegiance when necessary, hold their party to its promises or forsake it, they can determine an election. Of course, the independent voter is cordially hated by the politician, as his task of delivering votes is rendered more uncertain by the voter who insists on doing his own thinking, but it is just this element which offers hope for the future. Parties are what the voters make them and without the independent voter there is little hope. Parties bid for them, and the bid must be clean politics.

Parties are natural and essential; they are an index of the interest or indifference of the citizens of the state. In the measure in which men and women are purposeful and determined to work for the cause of the parties do we find them enlisted in its ranks, giving of their time and substance to support the principles professed by the party of their choice. A despotism or an anarchy where the will of one or of each individual prevails can dispense with parties, but no responsible government can. It is indispensable in an organized campaign.

Parties  
Essentially  
Helpful

But the fathers were not without a basis of right in distrusting parties. The danger lies in the spoilsmen and failure to protect interests. We must work through parties to gain our ends, but beware that the sordid-minded do not carry on their depredations through the machine of parties. As a given party assumes control, it gains a tremendous power in the great number of offices to be filled, the franchises to be granted, and the contracts to be let—a thousand opportunities for plunder. For a party to get control of a state, it must seek to get possession of the minor local offices and to do this and—what is harder—keep control, it must partition out the offices, putting in possession the type of men who can be controlled by the party.

Abuse of  
Party

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## Chapter V

### THE STATE CONSTITUTION

The constitution of Maryland is the fundamental law of the state, the basis on which rests the state government. It establishes a distinction between the law-making and constituent power, between statutory and constitutional legislation. The General Assembly has power to make laws, but that power is strictly circumscribed by the terms of the constitution, which no Assembly can change. That document is, therefore, the supreme law of the state. The rights of the minority as well as of the majority are placed beyond the power of future governors or legislatures to destroy.

**Importance  
of the  
Constitution**

The constitution under which we are now living was framed and adopted in 1867, the fourth to be drafted in the hundred and fifty years since Maryland renounced her colonial charter. It consists of two parts: The Declaration of Rights and the Frame of Government.

**Parts**

Historically, the Bill of Rights is the most ancient and interesting feature. Each article embodies a declaration of what the framers believed to be the inalienable rights of the citizens of Maryland, such rights, for example, as freedom of speech and of the press, of petition, of worship, of trial by jury, right to the privilege of the writ of habeas corpus, of a speedy and public trial, of frequent assemblies, and the right to a set procedure in trials. The last section is careful to state that the enumeration of certain rights is not to be held to impair or deny others retained by the people. Certain rights are singled out merely because they are held so important and fundamental that their existence must not

**I. Declaration  
of Rights**

be subject to dispute, won as they were by centuries of hard struggle and at the cost of blood.<sup>1</sup>

## II. Frame of Government

In addition to provisions respecting the frame of government, the second part, often designated in a narrow sense as the constitution, contains many paragraphs relating to a wide range of miscellaneous matters, such as military affairs, education, local government, and method of amendment. At each framing of a new constitution, new provisions of administrative detail have been inserted. It has grown constantly until it is now far longer and more detailed than the federal constitution, and is in some senses a code of law rather than a skeleton or framework of government.<sup>2</sup>

This practice of crowding detail into the state con-

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<sup>1</sup>Dr. Steiner groups the articles as follows, probably as good a classification as any which could be made. *Institutions and Civil Government of Maryland*, p. 36:

Articles I-V relate to the source of government.

“ VI-VIII, to the divisions of power and the share of the people in government.

“ IX-XVIII, to law-making.

“ XIX-XXVII, to justice.

“ XXVIII-XXXII, to military affairs.

“ XXXIII-XXXV, to the holding of office.

“ XXXVI-XXXIX, to religious matters.

“ XL-XLV, to miscellaneous rights, as liberty of the press, monopolies, titles, etc.

<sup>2</sup>The contents of the constitution may be gleaned by merely reading the headings:

Art. I. The Elective Franchise.

“ II. The Executive Department.

“ III. The Legislative Department.

“ IV. The Judiciary.

“ V. The Attorney-general and State's Attorneys.

“ VI. The Treasury Department—Comptroller and Treasurer.

“ VII. Sundry offices: county commissioners, surveyors, state librarian, commissioner of the land office.

“ VIII. Education.

“ IX. The Militia and Military Affairs.

“ X. Labor and Agriculture (Expired by limitation.)

“ XI. Baltimore City (superseded by charter of 1918).

“ XIa. Provision for Local Home Rule.

“ XII. Public Works.

“ XIII. New Counties.

“ XIV. Amendments to the Constitution.

“ XV. Miscellaneous: Courts, officers, and elections.

“ XVI. The Referendum.

stitution is unfortunate, as it multiplies the opportunity for involving the state in legal tangles; shackles the hands of legislators and of judges; multiplies the opportunities for the constitution to get out of touch with the rapidly changing social and economic needs of the state; and casts it into an inflexible mold of details reflecting the prejudices of a single year rather than into the flexible mold of broad, general provisions.

Obviously, provision must be made for corrections and additions to the fundamental instrument to meet changing or new needs. Each amendment must be introduced into one of the houses of the General Assembly by some member in a separate bill, embodying the article or section so as to read as the article will read in amended form. This measure must then pass each house by a three-fifths vote of its total membership. After it has been published by the governor in two newspapers in each county, provided there are that number, and in three papers in Baltimore City, one of which must be printed in German, once a week for three months, it is submitted to the voters at a general election. If a majority of the votes cast appear to be for the amendment when the returns are sent to the governor, he issues a proclamation to that effect, declaring the amendment a part of the constitution. Separate votes must be taken, if more than one amendment is submitted at the same time.

#### **Method of Amendment**

In addition to providing for the change of the constitution in definite particulars, arrangement is made for the possibility of a complete revision every twenty years. The people vote as to whether they wish a constitutional convention called. If the majority declares in favor of such a convention, the Assembly is required to provide at its next session for the election and assembling of the delegates, each county and Baltimore City being entitled to a representation equal to that which it enjoys at the time in both houses. A new constitution or any changes adopted by the convention must

be submitted to the voters for ratification.<sup>3</sup> But the people have voted adversely to a convention each time that the twenty-year period has elapsed. It remains to be seen what attitude will be taken in 1927.

## **The Constitutional Convention**

There are two methods of drafting a constitution—by the legislature, a plan followed in framing some of the first state constitutions, or by a specially chosen convention, the method now almost invariably followed. The constitutional convention is an institution contributed to the science of government by America. The delegates are elected by the people, at large or by districts, or both, as the law providing for the convention may prescribe. Nominations must follow the method provided by the state law, though it is usually by direct primaries. The names should appear on the ballots without party designation, as constitutional provisions are, in the main, outside of party lines. The Maryland laws have in the past allowed pay to delegates. The delegates usually assemble at the state capitol, organize by electing their president and by creating their committees, and proceed to business. Though a convention resembles a legislature, the fundamental differences are more important than the similarities. Party lines are less sharply drawn in the former; compromises are more frequent; the number of questions with which it can deal are few and fundamental; full, free debate is permitted and is urgently desirable, for this is above all else a deliberative body.

## **Procedure**

The convention is practically supreme as to its procedure and the scope of its work. Proposals which may be offered are referred to committees and reported back to the whole body. Usually the debate occurs in committee of the whole in order to secure informal discussion without the regular shackling rules of roll-call and limited debate. On the contrary, a member speaks as long and as often as he pleases. The committee of the whole reports back its decisions to the convention, which is quite

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<sup>3</sup>Only a very few state constitutions have a provision of this sort. Const., Art. XIV, Sec. 2.



free to accept or reject them. Even those clauses adopted are usually referred to a committee on form and phraseology before being finally adopted by the convention. Submission to the people is the final step. The convention may offer amendments; also it determines when and how the vote for ratification is to be taken. Usually it works without time limit, though there is as a rule an automatic limit in the appropriation for the pay of the delegates.

The constitution of Maryland is supreme within its sphere. It can bind the governor, Assembly, and judiciary. The Assembly must respect the limitations set by the constitution in its law-making and, in case of a conflict, the Court of Appeals will give the final decision as to whether the legislative enactment is constitutional or not. As a matter of fact, the courts always assume that the Assembly has power unless the contrary is proved.

**Supremacy  
of the State  
Constitution**

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## Chapter VI.

### THE STATE LEGISLATURE.

#### General Assembly

We call our state a democracy, but it is, of course, no true democracy, since our laws are made, our taxes levied, and our money spent, not by all the people, but by representatives whom we elect and call in Maryland the General Assembly.

#### Houses

The legislature consists of two elective houses and is hence here, as in every other state of the American Union, bicameral. The purpose of the founders of the state in providing for two chambers was to prevent hasty, secret, partisan, and ill-considered legislation, to protect the rights of minorities, and to further fortify the system of checks and balances. In addition, it was believed that the confirmation of the governor's appointments could be more wisely done by a small body than by the whole legislature.

#### Qualifications of Members

To serve the people in the Assembly is an important and honorable service and should be so regarded. It is our legislatures which squander or conserve the people's money and make suitable or harmful laws. Hence, we try to prevent unfit men from being sent to the Assembly by laying down certain qualifications in our constitution.

We require:

1. That a member be a citizen of Maryland.
2. That he shall have resided three years in the state, one in the county or legislative district which he represents.
3. That he be of a certain maturity—twenty-



one to enter the House of Delegates, twenty-five to enter the Senate.

4. That he express a belief in the existence of God.

These qualifications were not regarded as sufficient, and so disqualifications were enumerated:

1. A member of either house may not hold any civil or military office under the United States or sit in Congress, in order that an official shall give whole-hearted service to one master—the state. Acceptance of any other office vacates the seat in the Assembly.
2. No clergyman of any denomination may serve in this capacity. This is a survival of antagonism to the large share taken by clergy in politics during colonial days.
3. Election is denied to any person holding a civil office of trust in the state, except the insignificant office of justice of the peace. As the legislature impeaches and removes any official, such membership might permit an official to judge his own case.
4. No collector, receiver, or holder of public money shall be eligible until he has paid into the treasury all sums due the state by him. As the legislature supervises the finances, a defaulter might otherwise judge his own case.
5. For sharing or helping in a duel, a person is debarred from any office of trust, unless relieved by the legislature—a provision now obsolete, of course.
6. For bribery of an officer or bribery of the vote.

The upper house is composed of 27 members, one from each county in the state, and one from each of the four legislative districts into which Baltimore is divided. This is a relatively small body as compared

**Senate**

with that of other states, Delaware alone having a smaller number, while it falls far short of the average—about 40.

#### House of Delegates

Each county elects from two to six delegates to the lower house on a general ticket, Baltimore sending from each of the four districts as many as the most populous county. The governor, by proclamation, reapportions the representation in the lower house after each federal census, on a basis prescribed by the constitution. This may be seen from the following chart:

Each county with a population of 18,000 or less is entitled to 2 delegates.

With a population from 18,001 to 27,999 is entitled to 3 delegates.

With a population from 28,000 to 39,999 is entitled to 4 delegates.

With a population from 40,000 to 54,999 is entitled to 5 delegates.

With a population of 55,000 up is entitled to 6 delegates.

The legislative districts must be contiguous and roughly equal in population, although the allotment is not fixed strictly on a population basis. Baltimore with more than half the population of the state elects less than one-fourth of the lower house and about one-seventh of the Senate, so that there is almost constant agitation of the question of increasing the representation of Baltimore. Discrimination against the city in both branches can hardly be justified upon any principles of government accepted at present as democratic. The recent census shows such an increased population in the state that the house to be elected in the fall of 1921 will consist of 106, five counties receiving one additional representative while one loses. Again, we have a much larger house than our smallest sister, Delaware, which boasts only 35 delegates, but do not need to maintain a house of average size—150.

The danger of gerrymandering, that is, shaping the district in some unnatural way in order to make the area yield a majority for the party in power, can appear only in Baltimore City, but the possibility of juggling the four districts there is such that suspicion is instantly aroused in any question of redistricting, such as is now under way.

In case of death, disqualification, resignation, refusal to serve, expulsion, or removal from the county or city, or in case of a tie, vacancies are filled by a new election, upon the warrant of the presiding officer of the house in which the vacancy occurs, of which not less than ten days' notice must be given. If a vacancy occurs during a recess of the legislature and not more than ten days before the end of the session, the governor issues the warrant of election, though no choice is made until the next election for members of the Assembly unless a legislative session intervenes. This is obviously to provide for vacancies in the Senate at the least possible expense.

#### **Vacancies**

The old method of nomination, by party convention, has been replaced in Maryland since 1908 by party primaries. It was fondly hoped that with primaries the problem of securing persons of ability and independence, and the choice of the people for candidates had been definitely solved, and that an end would be made of wire-pulling, but it has only resulted in moving the manipulation forward six weeks, and forcing the politicians to work more cautiously, in the dark, so to speak. The most that can be justly conceded is that direct primaries have resulted in slightly better choices for candidates.

#### **Nominations and Elections**

The campaign for the nomination at the primaries, never a very heated one, opens in the late summer and runs for a few weeks. The real contest, however, still comes between the candidates of the leading parties before the election in early November. The election for members of the House of Delegates and for one-half of the Senate occurs the Tuesday after the first Monday of the odd-numbered years by secret ballot, together with that of certain other State officials.

There is no question of the desirability of a reduction in the number of elections in the state, a question often agitated and before us now. After noting the cost of an election, we realize the sums saved to the treasury in every election eliminated. By readjust-

#### **Reduction in Number of Elections**

ment and by reducing the terms of a few officials during the process of readjustment, it would be necessary to call the voters to the polls only every alternate year, according to the State Reorganization Commission.

#### **Contested Elections**

The Assembly has power to make provision for all cases of contested elections not provided for in the constitution, and each branch settles all disputed elections of members to its own body. It may investigate whether any member has been properly chosen, and even hold an election void if there should appear reasons for doing so.

#### **Sessions**

The Declaration of Rights declares "that for redress of grievances, and for amending, strengthening, and for preserving the laws, the Legislature ought to be frequently convened," but the modern trend has been away from too frequent sessions, only six states still clinging to annual sessions.

The regular sessions in Maryland are opened the first Wednesday of January of each even-numbered year, at which time the members elected the preceding November assume office. This prompt entrance upon their duties is a good feature, a great improvement over the long delay of thirteen months which often intervenes between the election of a congressman and his oath of office. Regular sessions are held only biennially, but extra sessions may be convened at the summons of the governor, although limited to thirty days. A recent example was the extra session of September 20-22, 1920, to make it possible for women to share in the election of 1920.<sup>1</sup> The Senate may also be convened alone for executive purposes. The Assembly may continue in regular session as long as in its judgment the "public interest may require," but not for a longer period than ninety days, but there is no record of any session when the legislators found it possible to transact their business in a shorter period. Possibly the fact that their pay is fixed at \$5 for each day they are in session may

#### **Pay**

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<sup>1</sup>Although this session was handled with truly remarkable expedition, it cost the state \$21,250 for the three days.

have something to do with it. No member receives pay for days he is absent without leave or not absent on account of illness. He also receives a mileage allowance of 20 cents a mile to cover the expense of journeying to and from the state capital. The presiding officers receive an additional \$3 a day. It has been recognized that the pay is entirely inadequate and so an effort was made by a constitutional amendment to fix the pay at \$300 a year, in addition to the per diem and mileage allowance, but the voters refused to ratify the change in the election of 1920.

The two houses come together in the Senate chamber in joint session to proclaim the election of the governor, to witness the inauguration, to receive special messages from the governor, to receive the budget, and to elect certain officers, such as the treasurer.

**Joint  
Sessions**

The term of a Senator is four years from the date of election and so arranged that one-half the Senate is elected each odd-numbered year in order that the body shall have always the benefit of experienced members. The House of Delegates is elected for a two-year term from the date of election in the fall of each odd-numbered year. Each delegate thus serves through only one legislative session unless re-elected. This latter term is unquestionably too brief. There is a waste of experience, as no man can possibly learn the routine and legal technicalities of the work in less than a single session. Just when he has mastered the detail and could be of service to the state, he is forced to undertake another campaign, which frequently results in defeat, as his value is judged on an utterly inadequate trial.

**Terms**

Since 1692 the seat of government has been located at Annapolis. According to the constitution, legislative sessions must be held at the capital, but the governor may "from evident necessity" direct sessions to be held elsewhere, a permission of which Governor Hicks availed himself in 1861, when he convened a special session at Frederick.

**Capital**



## Organization

To organize a new assembly in the Senate requires only the presence of the secretary and doorkeeper; in the House only the presence of the chief clerk, reading clerk, and doorkeeper.<sup>2</sup> In order to be certain that there is a quorum, the first step is the calling of the roll by the secretary or chief clerk; the election of the president or speaker is next in order; then follows the election of the other officers, chief of which are sergeants-at-arms, clerks, doorkeepers, chaplains, postmasters, pages, and keepers of the cloakrooms. With the adoption of the rules, usually those of the preceding session, whereby the House puts on shackles, and the administration of the oath of office to all the members the organization is complete and the houses report themselves to the governor ready for work.

## Daily Procedure

Each house follows a regular routine each day. Let us briefly outline a session in the Senate. With the entry of the President, Senators move toward their seats. One rap of the gavel seats the Senators, two raps bring them to their feet for prayer. The rules of order are the lineal descendants of those which governed the House of Commons as altered and modified to meet colonial and state needs in Maryland. The Senate uses Jefferson's manual, while the House prefers Reed's Rules, though they are very similar. After roll-call and the reading and correcting of the journal for the preceding day, the Senate settles to a fixed order of business; namely, presentation of petitions, introduction of orders, new bills, unfinished business, introduction of resolutions, reports of Standing Committees, of Select Committees, reading of bills on Third Reading, and finally, the Order of the Day. When it has completed all the business it desires to consider for one day, it adjourns by a majority vote of those present. It may take a recess repeatedly through the day.

## Rules of Procedure

A few of the more important rules of procedure should be noted:

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<sup>2</sup>The number is so strictly limited in order to keep down the expenses.



1. Quorum. A majority of the whole number elected to each house constitutes a quorum or a sufficient proportion to proceed to business. A smaller number may adjourn from day to day and compel the attendance of absent members. As few as fifteen in the lower house may send out sergeants to notify members that their presence is desired at the capitol, as members may not leave Annapolis without leave.
2. Three readings are required for every bill on three different days, unless dispensed with by a two-thirds vote, although all readings may be and usually are by title only.
3. In the interest of publicity the constitution requires that the doors must be open except for secret business. In practice they are closed only when the Senate in executive session is considering the governor's appointments. For the sake of wider publicity, each house must publish a journal of its proceedings.
4. In order to fix responsibility on members for their votes, any five of the House or a single member of the Senate may ask for a roll-call and the recording of the votes on the journal. The vote on the final passage of a bill always requires the recording of the yea and nay vote.
5. Adjournment of either house for more than three days without the consent of the other house is forbidden, as it would thwart the progress of legislation; and adjournment by either house to any other place is forbidden unless two-thirds of the members present agree.

As has been stated, a President presides over the Senate; a Speaker over the House of Delegates. These officials are decided upon in party caucus, a meeting of

Presiding  
Officers

all the members of each party in the house concerned just on the eve of the session, and this selection is then formally ratified by the House and Senate. It means that as a matter of course the choice of the caucus of the dominating party becomes presiding officer. This officer may call some one else to the chair, but not for more than seven days in the House, nor more than one day in the Senate. In other words, the presiding officer may not delegate his power, thus imposing upon the House some person not of its choice, except for brief periods. If the President falls ill or is absent from the capital, the Senate elects a president pro tempore.

The duties of the presiding officer include the obligation to preserve order, clearing the hall and lobby in case of a disturbance. But the really important powers, those which make the President and, especially the Speaker, a potent force in Maryland are the following:

1. Power of recognition of members as they rise to address the House. By refusing to recognize a member, the Speaker can reduce him to impotence. By recognizing certain henchmen only for certain purposes, he can control the course of business. By habitually recognizing only the majority floor leader, he can manage the House for his party.
2. Power to rule, i. e., decide points of order as they arise, subject to appeal; pass upon a quorum; and refuse to entertain dilatory motions by the minority to waste time.
3. Appointment of committees, unless otherwise ordered, a power which means virtual control of all legislation, as he can largely control the character of the bills reported through his control of the personnel of the committees. By appointing insurgents of his party to unimportant committees, he curtails their power to hamper the regular party leaders.

4. Reference of bills to committees, by which he often determines the fate of the measures.
5. Control of the Committee on Rules. As this committee has power to introduce fresh rules of procedure, interrupting the House at any time, and enjoying precedence over all other committees, and as the presiding officer is ex-officio a member, the great power of that officer is at once manifest.

Add to all this the fact that, as a member of the house, the presiding officer is entitled to vote on each question, except on appeal from his ruling, and enjoys the privilege of the first speech on questions of order<sup>3</sup>, and the sum of his influence is complete.

In order to expedite matters and make possible the dispatch in three months of all the business of the state accumulated during twenty-one months, the work must be divided up for preliminary consideration among committees. These committees, of which there are a large number, are appointed by the Speaker and by the President of the Senate, unless otherwise ordered, in which case they are elected by that body itself. The member first named serves as chairman, but in this state we do not observe the rule of seniority on committees; that is, members are not carefully arranged on the committees so that the senior member is next in line for promotion to the chairmanship at the next session. There are standing and special committees, the former permanent and appointed at the beginning of each session, the latter only for a special purpose as the need arises. A third type is the joint committee, made up of members from both houses<sup>4</sup>. Custom demands that the political party which has won a majority in either house pre-empt to it-

Committees  
of the  
Assembly

<sup>3</sup>This is true in the Senate only.

<sup>4</sup>The most important joint committee here is one to investigate the administration of the state government in relation to contracts for printing, stationery, purchases for the public offices and library, all expenditures therein and all matters of alleged abuse in expenditures.

self a safe working majority of the places on each committee.

While each legislature determines its own committees, there is but little change from session to session. In the last session of the General Assembly (1920), there were 30 standing committees in the Senate, 36 in the House. The chief committees of the two houses are similar, though occasionally masquerading under different names: Committee on Finance, which is called Ways and Means in the House, on Rules, on the Judiciary, on Corporations, on Chesapeake Bay and its Tributaries, on Education, on Fish and Game, on Insurance and Loans, and on Sanitary Conditions of the State. The size naturally varies, ranging from 3 to 11 in the Senate, from 4 to 20 in the House. An average in each branch is 9, but with exceptions; for instance, 15 members serve on the Ways and Means Committee, 11 on the Finance Committee, while the largest, the House Committee on the Chesapeake Bay and its Tributaries, seems to require the combined counsel of 20 members. The committee on Rules for the Senate consists of three Senators, for the House of five, the Speaker and four other members. Minority representation is carefully provided for in the House in the proportion of about one-third of the membership. As a matter of courtesy the minority party is accorded a majority on one committee in order to command one committee-room with stenographic service. No committee of either house is allowed to sit while that body is in session without special leave, except the privileged committees of the House, three in number: those on Rules, Elections, and Ways and Means, which may report at any time with precedence in the order named. There are no privileged committees in the Senate.

Committee of  
the Whole

For the consideration of legislation of a general character and to enable the house to deliberate informally, each house resolves at a certain stage of the debate into a Committee of the Whole, merely the entire membership of a house sitting as a great committee. The

Speaker, however, calls some other member to the chair to preside; the strict rules of procedure do not apply; debate is short and snappy, often limited to five or even three minutes; no record is kept of the vote so that members feel free from the wrath of their constituents in casting their votes. The bill under consideration is debated, clause by clause, leaving the title and preamble to the close for adoption.

Assembly and assemblymen enjoy certain customary privileges and immunities. Each house is the sole judge of the qualifications and election of its own members; it appoints its own officers; it makes its own rules of procedure; it punishes a member for disorderly behavior, even to the point of expulsion with the consent of two-thirds of its membership,<sup>5</sup> and it can imprison for ten days any other person for disorderly conduct in its presence or for obstructing its proceedings. To insure freedom of debate and independence of opinion, legislators are not liable to any civil or criminal prosecution for words spoken in debate.

**Privileges and  
Immunities of  
the Assembly**

The powers of the legislature are broader and more important than the citizen is apt to realize. They include the whole field of legislative activity not restricted by the federal constitution or that of Maryland itself.

**Powers of the  
Legislature**

Despite the narrowing field of the state legislature, because of the limitations imposed by the constitution, it comes very near to the daily routine of the citizen of Maryland. From birth to death it circumscribes the path along which he must tread, protects and guards him; it passes the law which requires the registration of his birth; it provides the schools in which he is educated; regulates the profession or trade by which he earns his livelihood; fixes the regulations by which he is married, votes, or holds office; fixes his taxes; protects his civil rights and his property; guards his health by proper sanitary laws; and punishes him if he does wrong. It is even under state laws that his burial permit is issued and his heirs succeed to his property.

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<sup>5</sup>But no member can be expelled twice for the same offense.



### Special Powers of the Senate

The Senate has two executive functions: the confirmation of appointments made by the governor, and acting as a court in cases of impeachment. The rules require for the former that the hall be cleared and that a separate journal be kept. In impeachments, the House of Delegates brings the prosecution by a majority vote and acts as prosecuting attorney, while the Senate sits as the court. The Senators take an oath to do justice according to the law and evidence, and are able to dismiss an officer by a two-thirds vote. Of course, if his act is a violation of our regular laws, trial and punishment in the ordinary courts may follow.

### Restrictions

In all other respects the two branches are equal. It should be observed that in this state we do not have the common requirement that revenue bills originate in the lower house—quite unnecessary surely since the adoption of the budget system, which is explained in the chapter on finance. Many constitutional restrictions on the Assembly, bred of distrust and fear, which have prevailed in Maryland as elsewhere, were incorporated in the last constitution. The Assembly is forbidden, for instance, to lay poll taxes, to pass sanguinary, retroactive or ex-post facto<sup>6</sup> laws, laws imposing religious tests for office or laws which grant monopolies. No printed matter not bearing on the business of the session may be bought for the members; no lottery grant may be authorized; slavery may not be reestablished; just compensation must be given when the right of eminent domain is exercised; and no general pension system may be created<sup>7</sup>.

### Duties of the Assembly

Not content with investing the legislature with powers, the constitution also imposes some duties. It may receive grants of land from the United States, money or securities for any public purpose designated by the United States; and it must approve all purchases or gifts, if they are to be valid, to a minister of the gospel or to a religious sect, except five acres of land for a church, parsonage, or cemetery. This curious provision finds a

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<sup>6</sup>Any law that aggravates a crime or operates to the detriment of an accused person.

<sup>7</sup>There are many other restrictions.



place in our fundamental law because of the distrust felt by Lord Baltimore of the Jesuits because of the large tracts of land they had secured from the Indians. The Assembly should encourage the spread of knowledge and virtue, and should hence do its utmost to extend a judicious and wise system of general education and to promote literature, the arts, sciences, agriculture, commerce, and manufactures. In a word, it should continually seek to improve the condition of the people.

The clearest way in which to see the tedious, slow process by which a bill becomes a law is by tracing the steps. Bills are numbered in the order in which they are introduced and laws in the order in which they are presented to the governor and bound with the laws of a given year. Each bill is called a chapter. To consolidate and clarify the laws the statutes in force are at brief intervals collected and arranged according to their subjects, such a collection being called a Code<sup>8</sup>. The following steps trace the history of a bill:

**How a Bill  
Becomes a  
Law**

1. Introduction by any member into one house or the other. But this is not to occur within the last ten days of a session unless of such importance as to win the support of two-thirds of the members.
2. First reading by title only.
3. Reference and consideration by a committee. Reference to an appropriate committee is made by the presiding officer. If a public hearing is allowed, as occasionally happens on important laws, advocates and opponents of the measure appear and argue for or against it. Sometimes the hearing may take an hour or less; sometimes all day. Then the committee decides secretly on the character of its report.
4. Reported to the House by the committee as

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<sup>8</sup>Our last code is the Bagby Code of 1912 with supplements. A collection of state laws is called a Code of Public General Laws, those of a county a Code of Public Local Laws.

submitted or with amendments. A large number of the bills never reach this stage, as they are pigeonholed or "killed" in committee. It then comes in due course before the whole chamber for second reading, when the committee's report will be accepted or rejected.

5. Second Reading. It should be read by the clerk in full, but to save time this is dispensed with, unless for dilatory tactics some member insists on its being read. It is at this stage that the chief debate takes place, and that the House goes into Committee of the Whole. No member of the Senate may speak more than once to the same question until others are heard except by unanimous consent, no delegate more than twice nor more than once until every member who wishes to speak has been heard. Debate may also be curtailed by fixing the time at which the vote shall be taken, or by adopting the previous question, which automatically cuts off debate and may be moved at any time.
6. Placed on the calendar for third reading, and sent to be printed on heavy bond paper with the amendments, if any, inserted in their proper places. Examination by the Committee on Printed Bills to detect clerical errors or to make necessary changes.
7. Third Reading. A further debate may occur here, but it is unusual. Passed finally by a yea and nay vote by a majority of all members. Unless excused, members are required to vote. Refusal to vote is noted in the journal if requested by any member.
8. Forwarded to the other branch where the bill follows the same procedure. If it passes by a majority vote of all members without amendment,

9. It is returned to the first house. If the amendments are rejected,
10. A Conference Committee is usually created, as the only hope of saving the measure. There is hope that representatives of both houses can find some common ground by mutual concession which each house can sustain. This committee is appointed by the presiding officers, and consists usually of three members from each branch, though the Senate rules permit their election by ballot, the number not to exceed five.
11. The bill is sent to the Governor. If he approves, he signs the bill in the presence of the presiding officers and chief clerk of the House and secretary of the Senate and it becomes law.

If he disapproves, he returns it with his objections to the house where it originated, which enters his objections in full on its journal, and reconsiders its action. If it can muster a three-fifths vote in each house, it becomes law, notwithstanding the governor's veto<sup>9</sup>. The governor is allowed six days for consideration after the bill is sent him, not counting Sunday. If he fails to take action within the prescribed time limit, it becomes law without his signature, unless the legislature by adjournment prevents its return. This is known as the pocket veto. The bill is finally recorded in the office of the clerk of the Court of Appeals, but does not go into effect until June 1, succeeding the session at which it was passed, unless another date is designated in the law itself, as may be done only in case of emergency measures.

**Veto**

1. One bane of Maryland is the large amount of special legislation despite the fact that long ago it was provided that the General Assembly should pass only general acts on

**Needed  
Reforms**

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<sup>9</sup>The process is even longer than the above outline indicates, as reconsideration may be moved at almost any stage. Important bills may take weeks and even months to pass through all the stages.

certain subjects, as the time of the legislature is too important to be claimed by private bills<sup>10</sup>. For instance, formerly each private corporation was chartered by a special act, whereas now each is created under a general law, except where there is no provision for the kind of corporation desired. Special laws may not be enacted for subjects which can be covered by a general law. But despite this prohibition there were introduced into the session of 1920, 1,437 bills, of which number 737 passed, 550 of them local and special acts as compared with 187 general laws. Maryland is very generous to special interests, especially at the close of the session.<sup>11</sup>

2. One small unicameral body of legislators, small enough for each member to be heard distinctly by all the others, is coming to be regarded as a greatly needed reform. The purposes to be attained by the double chamber—namely, public, deliberate legislation, strengthening of the system of checks and balances, and representation of the minority, have been far from realized. Under the modern safeguards of three readings, open sessions, and the governor's veto publicity would seem to be secured; in the acid test of practice either there is no check at all or a deadlock, according as the same or differ-

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<sup>10</sup>Local or special laws may not be passed for "extending the time for the collection of taxes; for granting divorces; for changing the name of any person; for providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities by executors, etc.; for refunding money paid into the state treasury, or releasing persons from their debts or obligations to the state, unless recommended by the governor or officers of the treasury department." Const., Art. III, Sec. 33.

<sup>11</sup>In 1914, 1,009 House bills were introduced and about 800 Senate bills; 864 of the House bills passed, a large percentage local bills. Comparison with the statement above shows a marked improvement by 1920, due largely to the Home Rule Charter for Baltimore City and the creation of the Public Service Commission. Home rule in the counties will further relieve the legislature.

ent parties dominate the two houses; bicameralism only assures us of two *hasty*, careless considerations of each measure, as each chamber depends in vain on the other for the careful scrutiny; and lastly, since both houses are chosen by the same electors, it cannot be argued that the Senate represents a minority. Furthermore, various defects of this division of legislative authority appear. It increases cost and complexity; it encourages compromise and bargaining between the houses; it affords opportunity for obstruction and delay; it prevents a consistent legislative program, impossible with two houses of independent leadership, such as we have; and, finally, it permits by chicanery<sup>12</sup> shifting and evasion of all responsibility for vicious or neglected legislation. The system persists because we accept blindly the traditions and inherited machinery of a century ago.

3. But the reform of a single chamber would be insufficient. A longer session, possibly without time limit, is needed, following the example of Massachusetts, California, and Wisconsin. The time limit is a standing invitation to postpone until the last minute any interested legislation, when deliberation is impossible. Our ninety-day limit produces the usual pressure at the close of the session. An average of a hundred bills a day at this stage is no phenomenal record, while in 1910, 226 passed on one busy day<sup>13</sup>,

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<sup>12</sup>A common trick is to introduce in each house similar bills for a piece of legislation much desired by the public, for each house to pass its own measure and defeat that of the other house in order that each member may go on record before his constituents as having supported this popular measure, but being thwarted by the other house. The writer did not find any actual instances of this practice in Maryland, though they may have occurred.

<sup>13</sup>April 4, 1910.



and bills have passed all three readings on the last day of the session.

4. New rules of procedure are necessary to insure at least one careful deliberation of all measures by a committee and by the whole house. This would involve a committee system after the order of that in practice in Massachusetts, where there are no privileged committees, instead of the present system of privileged committees. At present public hearings are not required; the House rule that bills must be reported to the House by a committee within twenty days after being referred is evaded or the bill recommitted; we have privileged committees; rules may be suspended by unanimous consent or by a two-thirds vote of those present. The Speaker and a handful of privileged members dominate the business of the House, and members in their impotence turn to special legislation to impress their constituents and to secure re-election. In Massachusetts, on the other hand, joint committees must hold public hearings at stated times advertised in advance. By this wise provision time is saved by giving a bill one single committee consideration instead of two and by avoiding the possibility of disagreement between the houses necessitating a joint conference. Every bill must be reported out from committee by a certain date, thus making the pigeon-holing of desired measures impossible. The houses must follow the regular order except when suspended by a four-fifths vote, thus reducing to a minimum the possibility of slipping measures through secretly. There are no privileged committees, and the houses may not adjourn until the calendar is finished. There is one



highly important objection—namely, that such a program requires five to six months with attendant pay to members.

5. Another change which must undoubtedly come if we would have men and women worthy of their hire who will consent to neglect their private interests to serve our interests is to pay an adequate wage, a financial possibility even in a small state if the number is reasonably reduced. It is possibly absurd that about a million and a half of people in Maryland require one hundred and thirty-three persons adequately to guard our interests. Reduce the number to one-fourth and quadruple the pay and our expenses for legislation would not be increased.
6. Next should be placed the rigid limitation of the volume of business to a reasonable compass. This could be achieved by various measures: Through enlargement of the work of the Bureau of Legislative Reference and by giving a large share of what is now handled by the legislature to administrative officials to regulate by rules. We look upon law as the remedy for all political, social, and economic evils and make it perform functions which in all other countries are turned over to administrative officials with discretionary power.<sup>14</sup>
7. Last might be placed regulation of the lobby. The present law in Maryland requires all lobbyists before beginning their activities to register their names and those of their employers, together with the bills which they are working for. Thirty days after the close of the session they must file

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<sup>14</sup>The British Parliament passes fewer laws for fifty million people than Maryland for one and one-half million. Our every law becomes a basis for future amendments or repeals.

a record of the pay received, while their employers must also report the sums they have expended for legislation. A better law would demand a statement of the money spent for lobbying for a bill before that measure becomes law, to which might be coupled the requirement that lobbyists have access to legislators only in committee or in the whole house.

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Ernst Freund, *Standards of American Legislation*, chaps. III and IV, The University of Chicago Press, Chicago, 1917.

Courtenay Ilbert, *Mechanics of Law Making*, chaps. V and VI, Columbia University Press, N. Y., 1914.

Oscar Leser, *Report on the Evils of Special and Local Legislation* to the Maryland Bar Association, Baltimore, 1904 (A pamphlet).

The details of Maryland procedure must be gathered from the following official documents:

The State Constitution and Code.

Rules of the Senate of Maryland.

Rules of the Maryland House of Delegates.

Roster and List of Committees of the General Assembly.

### County Representation in the House of Delegates.

Allegany .....	6	Harford .....	4
Anne Arundel.....	5	Montgomery .....	4
Baltimore .....	6	Prince George.....	5
Caroline .....	3	Somerset .....	3
Carroll .....	4	Talbot .....	3
Cecil .....	3	Washington .....	6
Dorchester .....	3	Wicomico .....	4
Frederick .....	5	Worcester .....	3
Garrett .....	3	All other counties	2.

## Chapter VII.

### THE EXECUTIVE—THE GOVERNOR.

#### The Governor and the State

The chief executive power of the state in Maryland is vested in a governor who stands in relation to the state as does the President to the United States. He is the visible embodiment of the state and represents it in all official relations with the national government and other states, but wields far less power, naturally, than does the executive of the whole nation. Still, during the past half century the office has been steadily increasing in actual power but declining in prestige. The time was in our history when a cabinet officer resigned proudly his national cares to assume the chief office in his state,<sup>1</sup> but now a governor appears to resign the gubernatorial office without a regret to accept a seat in the federal Senate.<sup>2</sup>

#### Qualifications

The requirements of any one who aspires to the governor's office are four:

1. He must be at least thirty years of age.
2. He must have been for ten years a citizen of Maryland.
3. He must for five years before his election have been a resident of the state.
4. He must be a qualified voter in the state.

#### Term

The governor's term commences on the second Wednesday of January after his election, to continue for four years and, if necessary, until his successor shall have qualified. The purpose of the last provision is to pre-

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<sup>1</sup>Chief Justice Jay resigned from the Supreme Court in 1795 to serve as Governor of New York.

<sup>2</sup>We have an illustration from our own state. Governor Wm. Pinkney resigned to serve in the United States Senate.

vent a vacancy in case the person elected fails to meet the qualifications for the office.

He is elected the first Tuesday after the first Monday in November each fourth year when members of the lower house of the legislature are elected and by the same electors as vote for delegates to the General Assembly. Returns are sent from the county seats under seal to the Speaker of the House of Delegates, who opens them at the beginning of the session of the Assembly before both houses. The person receiving the highest number of votes is declared elected. In case of a tie, the Senate and House by joint ballot choose a governor, the House determining all questions concerning eligibility, returns, and the number and legality of the voters. If the person or persons with the highest number of votes are ineligible, some one is chosen governor by joint ballot of the Senate and House. The vote in the legislature is viva voce and is determined by a joint majority. If the Assembly ties in the vote, a second vote is taken on those having an equal number of votes; a second tie is broken by lot, a curious survival still preserved in Maryland. There has never been occasion for the choice of governor to be thrown into the legislature.

#### **Election of Governor**

In case of the death, resignation, refusal, or removal from the state of the governor, the Assembly, if in session, or at the next session, elects another person for the remainder of the term. If the vacancy occurs during a recess of the legislature, the President of the Senate serves until the Assembly elects a governor, as Maryland has no lieutenant-governor. If for any reason, the latter official is unable to serve, the Speaker of the House of Delegates acts, and for any vacancy not provided for in the constitution or by law, the legislature shall be convened by the secretary of state in order to fill the office. In case of impeachment or inability to perform his duties, the legislature may declare what person shall act as executive. We have had two instances of vacancy in the governorship: When Gov-

#### **Succession to the Governorship**

ernor McLane was appointed minister to Paris in 1885; and when Governor Whyte was elected to the federal Senate in 1874. In each case the President of the Senate succeeded and was elected by the Assembly.

**Residence**  
**\$4,500**

The Governor is required to reside in the official mansion at Annapolis. His salary is \$4,500 a year, which may not under the constitution be increased by the profits of any other office.

**Powers of the Governor**

**1. Executive**  
**a. Appoint-**  
**ments**

The powers of the governor may be classified under three heads: Executive, legislative, and judicial. First of these in importance comes clearly his appointive powers. Few other governors make more or more important appointments, though most are made "by and with the consent of the Senate," a fact which operates in Maryland, as elsewhere, to check the governor, promote barter and trade between him and the legislature, and to divide responsibility. He appoints all civil and military officers, whose selection is not otherwise provided for. The scope of this power is manifest only when one realizes that in Maryland there are over four thousand appointive positions, nearly every one of which is filled by the governor.

If a vacancy occurs during a recess of the Senate, the governor shall appoint a suitable person, whose commission is in effect until the close of the next session of the legislature or until some other person is appointed; nomination of this or some other person must be sent to the Senate within thirty days after the next meeting of the legislature. No person rejected by the Senate shall be renominated for the same office except by request of the Senate, or be appointed to the same office during a recess. By this means the framers thought to prevent a deadlock between the governor and the Senate while the governor would be unable to ride roughshod over the Senate.

**Checks Upon**  
**Appointments**

All civil officers must be nominated to the Senate within fifty days after the opening of each regular session. The officers confirmed take office on the first Monday of May following appointment for a term of two



years, except Inspectors of Tobacco who take office the first Monday in March after appointment. If a vacancy occurs while the Senate is in session, the governor must submit his nominations before adjournment unless one occurs within ten days of the end of the session. The other check upon the governor's appointing power is the civil service system, which we may be proud to note exists in Maryland, one of the relatively few states to adopt the merit principle in filling state positions. The restrictions do not cover the heads of departments and other high officials but apply to subordinate positions only. They are filled by competitive examinations held under the auspices of a State Employment Commissioner appointed by the governor. The examinations are open only to residents of this state, and the names of those who stand highest are certified to the head of the department in which the position is to be filled. This has ended one of the most pernicious customs in American political life, that of degrading public service to a plane of inefficiency, laziness, and injustice in order that party leaders and the men exalted to the highest offices in our state may pay their debts to their party followers from the taxes of the people. We now accept the principle that merit alone should be the passport to public as well as to private employment. The problem of the future will be to work out scientific examinations which will, as nearly as possible, test intelligence and to apply it to promotions as well as appointments.

The power to appoint includes in this state, as it commonly does, power to remove. The governor may (1) suspend or arrest any military officer for disobedience or any other offense, and may remove in pursuance of a court-martial sentence; (2) remove all civil officers whom he has appointed for a term of years for incompetency or misconduct.

The governor has general supervision of all executive officials and over the enforcement of the laws. It is his duty semi-annually, or oftener if he wishes, to

**Removal**

**b. Supervision of Administration**

examine under oath the treasurer and comptroller on all matters pertaining to their offices, and to inspect their account books. As stated before, he commissions all officers of the state.<sup>3</sup> In some cases of a tie, he may order a new election; in contests, he sends the returns to the House of Delegates.

Just how much actual authority he can exercise over the state officials depends in part upon the personality of the governor. Yet his executive supremacy is far from that of the President in national affairs. The control of the latter is unquestioned, while the important heads of the state departments, treasurer, comptroller, and attorney-general are elected, not chosen by the governor and cannot be removed by him. By the words, "He shall take care that the laws are faithfully executed," the governor is invested with the general executive power for the best interests of the state. But without power to suspend any law, unless that power is expressly given him in a law, he cannot evade carrying out the laws.

#### c. Military

By virtue of his position as commander-in-chief of the land and naval forces of the state, he may call out the militia to repel invasion, suppress insurrections, and enforce execution of the laws, but he is forbidden to take command in person without the consent of the legislature.

#### d. In Relation to the United States and Other States

While the constitution imposes no specific obligations upon the chief executive of the state to assist the national government, it has become a practice to call upon them for help in a crisis. In the recent World War our governor was presumably asked, along with all the other governors, to recommend persons for service on the various draft boards. He is also the channel of

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<sup>3</sup>A commission, a paper authorizing an official to claim a given office, is issued and signed by the governor in the name of the state of Maryland and sealed, to be authentic, with the great seal of the state. The official must take an oath before the governor or the clerk of a court of record to support the constitution of both the United States and Maryland; to execute his office to the best of his skill and judgment, "diligently and faithfully without partiality or prejudice."

official communication between his own state and other states. For instance, he is the person to whom a requisition for the extradition of a fugitive from justice is handed from the governor of the demanding state through a police officer. Again, when one state desires to sue another in the Supreme Court, a statute authorizing the suit is passed usually by the legislature, but the governor has authority to institute any suit for the protection of the state.

The governor plays a very important part in law-making, in initiating legislation as well as in thwarting it. He may convene the legislature or the Senate alone, on extraordinary occasions. And whenever, from the presence of the enemy or other cause, the seat of government is unsafe, he may direct the sessions to<sup>4</sup> be held at some other convenient place, as has been explained. His actual influence upon the course of legislation is far more extensive than the mere reading of his constitutional powers would suggest. This is due to his position of party leader, to the fact that each party assumes control under pledges to carry out a legislative program set forth in their platform, and to the absence of real leadership in the legislature. Hence in his inaugural speech, in his annual and special messages to the Assembly he suggests the measures which he feels are desirable for the welfare of the state<sup>5</sup>; by informal conferences with members of the legislature he secures the introduction of bills, stops legislation to which he is opposed, or secures amendments to make them conform with his views; by speeches and articles in the press he enlists public opinion in support of given measures; in a word, he is held responsible by the public and therefore he endeavors to secure the fulfillment by the legislature of the campaign pledges of his party. Besides this extra-legal legislative function, he is armed by the constitution with the veto power, to guard "against hasty or partial legislation and encroachments of the Legislative

## 2. Legislative Powers

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<sup>4</sup>See chapter V, paragraph on "Capital."

<sup>5</sup>Governor Ritchie's present efforts for a consolidation and reconstruction of our executive departments is a case in point.

Department upon the co-ordinate, Executive and Judicial Departments," overridden only by a three-fifths vote of each house.

As a legislative power may be regarded the governor's new and tremendous financial function. Since the amendment of 1916, which provides for a budget system, the governor has become the chief factor in the financial system of the state, as he frames the budget.

### 3. Judicial Powers

A final power is that of granting reprieves and pardons except in cases of impeachment or in cases prohibited by the constitution; of remitting fines and forfeitures for offenses against the state, but not the principal or interest of any debt due to the state except fines and forfeitures. This power has been exercised since 1914 with the advice and assistance of an Advisory Board of Parole. A reprieve is granted in order to postpone execution of the sentence in order to afford time for the governor through the Board to look into the case more fully. The purpose of denying pardon power to the governor in cases of impeachment is because the deliberate proceedings of an impeachment should have clearly established the guilt of the person accused, but, more particularly, because the executive must not be allowed to interfere to protect favorites against a just penalty, since a very large number of the state officials secure their positions through his appointing power.

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The Governors' Messages, in two volumes.

Inaugural addresses of the governors.

The Constitution shows the qualifications, powers, etc., of the office.

## Chapter VIII.

### STATE ADMINISTRATION.

There is a little group of administrative officials who were early found indispensable to state government. They are the secretary of state, treasurer, attorney-general, and comptroller often elective by the people or the Assembly and, hence, not accountable to the governor. But within the last forty years, in order to meet the new social and economic problems which growth in population and development of resources have brought, other offices have been created, headed sometimes by a single official, sometimes by a board. These executive offices have multiplied to truly bewildering proportions, the total number being now eighty-five. The reasons for this rapid development of administration have been the stricter regulation of business by detailed and intricate laws which necessitate boards to see that they are executed; and the expansion of state service into many new fields, such as public safety, public health, care of the poor and defective, provision for recreation, and preservation of natural resources. The most cursory study impresses one with the variety of functions which the state endeavors to perform.

**Multiplicity  
of Administra-  
tive Officials**

If the author were to hurl all the eighty-five departments, boards, and commissions at the reader in the loose, detached fashion in which they now exist, he would have a juster appreciation of the difficulty of this subject, and of the great importance of the problem which is now engaging the attention of the governor and a large commission of citizens, but he would be left in a less intelligent state as to the various depart-



ments than if some attempt were made to group them according to their functions.<sup>1</sup>

First in any grouping must come the various officials which have to do with general administration, in which category must be classified the secretary of state, treasurer, attorney-general, auditor, and comptroller.

**I. Executive  
Department**  
**Secretary  
of State,  
\$2,000**

So closely connected with the governor's office as to seem a part of it is the office of the secretary of state. He is appointed by the governor, by and with the advice of the Senate, to serve until the close of the latter's term at an annual salary of \$2,000. In addition to his statutory duties, he is general secretary to the governor. He is custodian of the great seal of state, he preserves the records of the executive department, which are open to inspection by each branch of the Assembly; as the governor's secretary, he attests the executive signature to all public documents, commissions, pardons, warrants, proclamations, and other papers; files and places on the ballot the names of certain candidates upon certification by the Election Supervisors; serves as a member and secretary of the Board of State Censors; and exercises general supervision over the detail work of the entire executive department.

**II. Department of  
Finance**  
**1. Treasurer,  
\$2,500**  
**2. Comptroller,  
\$2,500**  
**3. Auditor,  
\$2,500**

This subject is handled separately in a later chapter, including a discussion of taxation and assessment. Although the treasurer, comptroller, and auditor are all grouped together in the discussion, in any reorganization of state administration, the comptroller must, doubtless, be separated from the department of Finance in order that neither the treasurer nor comptroller, designed as checks upon each other, be subordinated to the other.

**III. Department of  
Law**

At the head of the judiciary department of the state stands the attorney-general, whose duty it is to

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<sup>1</sup>It does not seem wise to follow the classification into twelve departments proposed by the governor, as that grouping will, undoubtedly, suffer many changes before it is incorporated into law. The attempt made here is simply to group related activities after some sort of logical plan for the sake of clarity.

prosecute and defend for the state all cases in which the state is interested and which come before the Court of Appeals or the Supreme Court of the United States; to give his legal opinion in writing whenever either branch of the Assembly, the governor, comptroller, or treasurer shall seek it; and to conduct for the state any suits in any state court at the request of the governor or Assembly.

**1. Attorney-General,**

He must be a qualified voter and must have resided and practiced law in Maryland ten years. He is elected at the same time as the governor for four years and until his successor takes office. In case of a tie, the governor designates which candidate shall act and administers the oath to the person elected; and he also fills vacancies for the rest of the term. The usual removals follow incompetence, neglect of duty, or misdemeanor upon conviction in a court.

**Qualifications  
Term**

He receives a stipend of \$5,000 yearly, and may not accept other fees while the governor may not relieve him by employing additional counsel without the approval of the Assembly.

**Salary  
\$5,000**

One person is elected to this office in each county and in Baltimore City for a four-year term, holding from the first Monday in January after election until his successor qualifies.

**State's  
Attorneys**

The governmental organ most directly concerned with public health is, naturally, the State Board of Health, working largely through measures of sanitation. It is composed of eight members: The attorney-general; health commissioner of Baltimore; a secretary appointed by the Board; four members appointed by the governor with the approval of the Senate, two biennially for a term of four years; and, under a recent law, a registered pharmacist designated by the governor. Three of the governor's appointees must be physicians and one a civil engineer.

**IV. Public  
Health and  
Sanitation  
State  
Board of  
Health**

This body has intrusted to its care the sanitary interests of the people. It may make sanitary investiga-

**Work of  
the Board**

**Secretary,  
\$3,000**

tions and inquiries into the causes of disease, especially epidemics, the causes of mortality, and the influence of locality, employments, habits, and other conditions upon the general health. It may inquire into all nuisances affecting public health with power to apply to the circuit courts for injunctions to restrain them. The Board elects a secretary who as chief executive has direct charge of public health administration in the state. He must be a physician experienced in sanitation. The board may elect him from its own members, but must then fill the vacancy.

**Bureaus**

The work is now organized under six bureaus, each under a chief, men of technical training, appointed and removable by the secretary with the consent of a majority of the board.

1. The Bureau of Vital Statistics registers all marriages, divorces, births and deaths, licenses mid-wives, and regulates transportation of the dead.

2. The Bureau of Communicable Diseases receives daily reports of infectious diseases from local health officers, supervises the outbreak of any epidemic, and enforces the vaccination law.

3. The Bureau of Bacteriology assists physicians in the diagnosis, treatment, and prevention of infectious diseases, examines water, milk, foods, and drugs for bacteria, tests the efficiency of the disinfection of sewage, and makes vaccines.

4. The Bureau of Chemistry performs the same service as the Bureau of Bacteriology by making chemical analyses. This official has also had imposed upon him the obligation of analyzing samples of fertilizer sent him by consumers, and obtaining samples of all fertilizers used in the state.

5. The Bureau of Sanitary Engineering watches the purity of the water, examines, approves, or alters the installation of sewerage or water works, and maintains a general supervisory or advisory relation to all plants. It brings engineering skill to the aid of sanitation and health.

6. The Commissioner of Food and Drugs, who ranks as a bureau chief, controls the purity of food and drugs against adulteration, imitation, and misbranding, and inspects pharmacies, and places where foods are produced, sold, or stored. The drug standards are based on the United States Pharmacopoeia, or for articles not standardized, on the standards of the federal Department of Agriculture.

Through its deputy health officers, the department exercises direct supervision over all matters affecting the public health in each of the nine sanitary districts of the state. The department is excellently organized and doing good work. No state excels Maryland in reporting to the State Board births, deaths, and infectious diseases. The chief deficiency is local inefficiency and lack of central power.

There is no uniform or centralized system of charities in the state. Maryland does not undertake the complete relief of poverty, but entrusts this function partially to counties, cities, towns, and private agencies. Assistance is given to benevolent institutions in a haphazard, irregular way, though a Board of State Aid and Charities with inadequate powers exercises a limited supervision.

Such a board, instituted in 1900, is now composed of six unpaid members, appointed for terms of four years by the governor; two may be women, but not more than three may be from the same city or county. It is given power to investigate the conditions and management of all public or other charitable institutions receiving state aid; to consider the whole system of state aid to public and private institutions. It investigates all applications of institutions for state aid and submits to the legislature a report showing the conditions that it finds at each of the institutions so applying, together with its recommendations. It is the official representative of the state in regard to charitable matters. Charged with the duty of recommending a system for state aid, it has no organic connection with the other departments

**V. Department  
of Charities  
and Correc-  
tions**

**1. Board of  
State Aid  
and  
Charities**



of state government, knowledge of the working of which is absolutely essential to any proper system. The law also fails to be definite as to just what organizations come under its jurisdiction or as to the limits of its field.

**Institutions  
Receiving Aid**

The institutions receiving money from the state in 1920, 129 in number, scattered from one end of the state to the other, ranged from a day nursery of ten children to a state Hospital for the Insane with 1,500 patients. Thirty-five hospitals at the present time receive aid, the great bulk of which are private institutions, some catering to the wealthy. Naturally, the standards of efficiency and wise management vary greatly. The state supports either wholly or in part, 20 orphanages, including two infant asylums, reformatories, and schools for defectives. But practically all are under private management so that the state has seemed helpless to set standards for the training of these children. Among the other institutions receiving aid are the School for the Deaf and Dumb at Frederick, founded in 1867, administered by a board of thirty visitors appointed by the governor for life; the Maryland Workshop for the Blind,<sup>2</sup> governed by a board of directors, three of whom are chosen by the governor; and the Maryland School for the Blind at Overlea, where blind children over seven years of age are trained. The long-needed tuberculosis sanatorium for negroes will soon be available, as an appropriation of \$50,000 has been made for it. Feeble-minded children are cared for at Rosewood Training School, though it is not large enough to meet the needs. It is something of a reflection upon Maryland that there is no state provision for epileptics.

**Secretary,  
\$2,500**

A salaried secretary, appointed by the Board, conducts the actual work of investigation and is subject to

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<sup>2</sup>This is a training school for blind adults, as well as a place of employment for those who have become trained workmen. It has been customary to pay the men a handicap of \$3 per week during the period of training. This amount after one year is gradually reduced and the workmen are placed on a piece payment basis. It is not a home, as the men go from their homes daily as to any factory.



orders from the Finance Committee of the Senate and the House Ways and Means Committee during the session of the legislature.

Apparently there has never been any systematic basis for state aid, a fact long recognized, but never remedied. With powers of advice only, the Board of State Aid and Charities can be no organ of centralization and co-ordination of benevolent efforts in the state. The Board has itself laid down certain sound principles which should be adopted:

## Criticism

1. Aid should be placed on a contract basis, institutions receiving so much per capita according to the quality and quantity of work done in order that the state receive value for its money.

2. Each government unit, the county for instance, should bear part of the expense for its dependent citizens.

3. The Board should have complete control of state benevolence and control of state-aided institutions, after educational and similar matters have been withdrawn from its scope so that its field is properly defined.

4. There should be greater co-ordination between the work of this Board and that of the other administrative departments.

5. State aid to private charities should be gradually eliminated. Then only could there be hope for an efficient, well-organized, and scientific system conducted by the state.

Although a system for the care of the dependent insane as charges of the state appeared to be provided for by the laws of 1904 and 1908, whereby the insane in almshouses and asylums were removed to state hospitals, the system seems to have been abandoned in 1910 by a requirement that the county or Baltimore City must pay the state \$100 (\$125 now) for each patient sent to a state hospital. This leaves the matter in a confused and unsatisfactory condition. Efforts are being made to provide for all the indigent insane, but the existing hospitals have never had the capacity to accommodate all the insane of the state.

## 2. Care of the Insane

**a. Lunacy  
Commission**

The Lunacy Commission consists of the attorney-general and four members appointed by the governor for terms of four years. At least three members must be from Baltimore City; two must be graduates of some recognized medical school with five years' practice, one of whom must have had two years' experience with treatment of the insane. They are allowed payment only for expenses. The Commission appoints as secretary, a qualified physician with at least two years' experience in mental diseases, at a salary of \$2,500 to conduct the work.

**Duties**

The Board has supervision over all institutions, public and private, in which insane persons are detained. It is charged with the custody, treatment, and cure of the insane. The secretary or one member of the Board is required, at least once every six months, to visit all institutions of the state, including almshouses or jails where insane persons are kept, to inquire into the treatment, sanitation, and diet, provided for the patients. They are allowed free access to the patients in person and by mail with the greatest freedom to detect and remove persons improperly detained. The Commission reports annually to the governor each December with such recommendations as it deems wise. All private insane asylums must obtain licenses from the Lunacy Commission, not including any state or incorporated institution in the counties except where a county almshouse receives insane from another county for pay. It appoints without pay a board of five visitors for each county asylum and almshouse, residents of the respective counties, two of whom must be women, all of whom have the right to inspect and make recommendations. There are five such state asylums with a total on September 30, 1919, of 3,727 patients.

**Criticism**

The organization of the system of our state hospitals for the insane is fairly good, although the Lunacy Commission has only supervisory and not controlling authority over the insane hospitals. They should be conducted by experts and maintained largely as separate

institutions. Greater support is obviously needed financially to provide adequate accommodation for all the unfortunates of this class in the state. The Commission recommends in order to reach and properly care for the dangerous and criminal insane:

- 1. A separate building at one of the state insane hospitals or a separate institution where such criminal insane may be treated by a psychiatrist. The state Insane Hospitals have no safe provisions, the penal institutions no method of treatment except the steel cage.
- 2. Adequate appropriation for care of the criminal insane, including those now at penal institutions waiting transfer, at least double the present amount. Meanwhile, cases are aggravated by confinement in a prison cell.
- 3. Proper environment for the prolonged observation of prisoners pending trial, and provision by law for judges to commit an abnormal offender to a detention ward for study by a psychiatrist.
- 4. A fund to pay for the deportation of cases belonging to other states.

The various reformatories, the House of Correction, and the State Penitentiary constitute the correctional and penal institutions of the state. The seven reformatories for minors are semi-state in character, as they are state-aided, have on their governing boards members appointed by the governor, and report annually to the governor or Assembly. All are authorized to receive inmates on commitment from the state courts. At the close of 1919 there were 1,081 convicts in the penitentiary, one of the highest figures in the history of the institution. The general rule for the admission to the House of Correction is that any person convicted of a crime or misdemeanor, who is liable to be sentenced to imprisonment for not less than two months nor more than one year, may be sentenced to the House of Correction in the discretion of the court.

By prompt action after the penal commissions of 1913 and 1914 had made their severe criticisms and offered their progressive recommendations, a Board of

**3. Corrections**

a. Advisory  
Board of  
Parole,  
\$1,500  
Salary

Parole was created to assist the governor in the exercise of his powers of pardon and reprieve, consisting of three persons. The duties of the Board are to investigate all applications for pardons and parole and to report the result of the same to the governor of the state. It must take under its supervision for such time as the governor may direct, the inmates of any penal institution of the state who may be paroled and keep records showing the actions, earnings, and conduct of the paroles, reporting any violation of the terms of parole to the governor. In making investigations, they have power to summon witnesses and examine them on oath; they are vested with power to visit every institution to which prisoners, adult or minor, are committed. At present (1921) there are 150 prisoners on parole; the Board received 110 during 1920; it paroles about one-third of those applying, and about 10% violate their parole. Although the Board may set the minimum period of imprisonment by considering cases after one-third of the sentence has been served, Maryland still lacks the indeterminate sentence.

**Convict  
Labor  
On Roads**

The penal institutions have been remarkably profitable to the state in the past, but at the cost of a system of contract labor which was scathingly condemned by the Penitentiary Penal Commission in 1914. This system has now been partially abolished, as new contracts are terminable on short notice. One other suggestion of the Commission, the use of convict labor on roads, has been adopted since 1917 in both penal institutions with advantage, as many as 327 convicts having been so employed in 1919. Although the price charged by the Board of Prison Control was slightly more than the current rate of local wages, including cost of transportation, it proved profitable to the Roads Commission because of the constant assurance of a full gang. It is worthy of note that the most satisfactory service was rendered by men stationed in local camps, away from the prison or House of Correction. Penal labor has also been used on farms and railroads, but the work is not permanent, while there is extra expense for additional guards, despite which fact a number of escapes have occurred. It is a conceded



fact that prisoners must work to maintain discipline, as well as help finance the institution. If some permanent system of labor other than the contract system cannot be found, the agitation against the latter must cease.

For years the states did not interfere with public service companies, except so far as general regulations could be prescribed by law with the result that many large corporations abused their freedom until they found the state upon them with an iron hand. This has been the history in Maryland until now we have a large number of officials with supervision over the public service corporations.

This commission was created in 1910 to consist of three members appointed by the governor for terms of six years, one member retiring every second year. The governor designates one to serve as chairman. A general counsel, also an appointee of the governor, represents the body legally and acts in behalf of the public in complaints against corporations, while a paid secretary is selected by the Commission itself.

The jurisdiction of the Commission extends to all common carriers and other public utility companies, such as steam, electric, gas, telephone, telegraph, water, steam-heating, refrigerating, express, steamship, steamboat, motor and sailing boat companies, and automobile bus companies doing business in Maryland. The total capital under its jurisdiction at the close of 1919 was \$1,673,555,095. Its supervision and jurisdiction cover the service furnished, the rates charged, capitalization, issue of stocks and bonds, the right to exercise franchises granted by counties or cities, the rates, standards of service, safety, and compliance with the orders of the Commission. It may also offer suggestions for changes in public service laws. It hears and decides complaints against the companies as to rate, safety, or service. The date of hearing upon an application for a franchise must be advertised in advance in order that any opposition may be aired before the Commission. The law lays down a long list of rules for the supervision of common

## **VI. Public Utilities**

- 1. Public Service Commission**
  - Chairman,**  
**\$6,000**
  - Members,**  
**\$5,000**
  - Counsel,**  
**\$4,800**



carriers. Action may be commenced against the Commission in the lower courts, but with right of appeal to the Court of Appeals, but the burden of proof lies upon the party contesting the decision of the Commission. By some people it has been felt that sufficient power has not been conferred upon it, a fault which would have to be remedied by a redrawing of the law. Others contend that the law is not responsible for too great timidity and conservatism on the part of the members of the Commission.

**VII. Regulation of Banking and Insurance**

To insure sound financial methods in these two important fields of business, the legislature has passed some elaborate laws, and to insure the execution of the laws, has established Commissioners of Banking and Insurance.

**Bank Commissioner,  
\$3,600**

This officer, appointed by the Board of Public Works for a two-year term has, as his function, the supervision of the banking business of the state; in person or by deputy he examines every bank, except national banks, once a year or oftener. If for illegality, insolvency, or danger to public interests, the bank commissioner deems it best to notify the governor, the latter may bring suit against the bank, or against the trustees and officers after consultation with the attorney-general. The Commissioner also examines a bank on request of its board of directors; receives and verifies reports made by banking institutions; acts as temporary receiver for an insolvent bank; receives frequent reports from every bank and trust company; issues certificates to banks after due examination of the articles of incorporation; approves the reorganization of national banks under state laws; approves consolidations of banks; receives notification of the liquidation of banks; notifies a bank or trust company when its reserves fall below the required sum, and directs proceedings for a receivership if the deficit is not made up. He reports annually to the governor and may suggest amendments to the law. The department is allowed a certain fund for expenses if the fees and charges allowed upon the banks for examination do not cover the cost.

The Board of Public Works also selects the official for this post for a four-year term and has power to dismiss him without notice or cause. He attends to the execution of the insurance laws of the state, inspects all insurance companies, supervises their securities and the valuation of their policies; issues and terminates in conjunction with the circuit court their certificates for the transaction of business, and so notifies them; and inspects every insurance company at least once during his term. The expenses of the office are met by a system of fees for licenses and examinations. All insurance companies must report yearly, and charters for new businesses are approved by the attorney-general. The commissioner in issuing annual licenses publishes abstracts of the various reports in the newspapers.

Insurance  
Commissioner,  
\$3,600  
Duties

Twenty years ago there was little state regulation of industry and trade; today there is much and constantly increasing legislation on the subject. The state no longer grants that the manufacturer or merchant may conduct his business quite independently of the state.

VIII. Industrial and  
Mercantile  
Affairs

Most prominent of all regulatory bodies in this field is the State Board of Labor and Statistics. An act of 1916 created this commission to consist of three members appointed by the chief executive for a two-year term, one of whom is designated as chairman. The board is empowered to appoint and employ such deputies, inspectors, assistants, and employees as may prove necessary for the performance of its duties, subject to the approval of the governor.

1. Board of  
Labor and  
Statistics  
Chairman,  
\$3,000  
Two  
Advisory  
Members,  
\$500

The duties prescribed by law are to collect statistics on the condition of labor in the state, with especial reference to wages, and the causes of strikes; to collect information on the agricultural conditions and products of the state, the acreage and character of the crops under cultivation, the character and value of the land, livestock, and all other matters likely to attract immigration; to collect data on the mineral products, output of mines and manufactures of the state; to collect information as to transportation; and to maintain a bureau of general in-

Duties

formation, culled from reports from all the offices of the state. It is its duty also to organize and conduct free employment agencies in such parts of the state as the board may deem advisable for the use of citizens of the state;<sup>3</sup> to arbitrate all disputes between employer and employee, to enforce laws regarding hours of labor for women; to enforce the factory inspection and child labor laws, and finally the steam boiler<sup>4</sup> and state mine inspection laws.

The child labor law applies to all children between the ages of 14 and 16 who must pass an educational test and physical examination made by the physicians connected with the bureau before receiving employment certificates. In 1918, the Bureau was given discretion in issuing temporary permits to "retarded boys," an interesting experiment in juvenile vocational placement. All are on vocational probation under close supervision of their health, physical defects, and adjustment to the job. The Board reports department store and other employers as co-operating in every possible way in the enforcement of the ten-hour law.<sup>5</sup>

a. Mine  
Inspector,  
\$1,500

The Board appoints with the governor's approval an official for a term of two years to enforce the laws regulating mines in regard to safety, ventilation, and drainage. He notes the tonnage of coal produced per miner, the scale of wages paid, and the number of accidents.

2. Industrial  
Accident  
Commission,  
\$5,000  
Each

In order to administer the Workmen's Compensation Law the governor appoints an Industrial Accident Commission of three members, each serving six years with interlocking terms, the chairman being designated by the governor. The law provides first for the payment of compensation to employees injured in certain ex-

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<sup>3</sup>A state employment bureau has existed for many years and has at times done considerable work. It did practically nothing while the federal bureau was maintained and is now quiet, as Baltimore is conducting a bureau.

<sup>4</sup>This refers to the operation of boilers.

<sup>5</sup>The number of children applying for work permits during 1919 was 17,762, as compared with 23,359 in 1918, a decrease of 24%, due probably to the high wages. The average wage per child was \$7.43 per week

tra-hazardous employments, and to their dependents, in case of death; secondly, all employers shall secure the payment of such compensation by insuring in some company or with the State Accident Fund, or by proving financial ability to pay. The Commission may determine what occupations are included; receives reports of accidents; investigates and adjusts claims arising under the act with hearings in contested cases; and administers the State Accident Fund.

The principle at the basis of laws for compensating workmen who are injured in the course of their work is that, whatever the cause, the burden should not be borne by himself, or by his employer alone, but by society, which benefits from the product made. Hence, it should be met by insurance, and the additional expense included in the cost of production as a regular expense item, the same as taxes or fire insurance.

The last report (1919) states that there were 9,031 employers insured under the terms of the compensation law during that year and gives a total of 46,875 industrial accidents, an excess of 4,305 over the preceding year. The grand total of benefits awarded to workmen for the year was \$1,169,466.30. The net expenses of the Commission are paid by the employers coming under the act; hence, there is absolutely no cost to the state for the Commission, while the Accident Fund is an asset.

It seems to be established that a good compensation act should provide for the expenses of medical attention up to a reasonable sum and for the payment of such part of the wages to the victim or his family as will provide for the needs and yet not encourage fraud and delay in recovery. These requirements the Maryland law seems to meet.

The governor, with the Senate, appoints one commissioner for a term of two years to issue licenses and exercise reasonable effort to secure enforcement of the automobile laws. He is allowed the choice of his subordinates, a large staff, subject to the approval of the

#### **Criticism**

- 3. Commissioner of Motor Vehicles, \$4,000**



governor, including an agent in Washington, and a corps of motorcycle officers. Every owner of a motor vehicle must annually register his name and address, together with the make and a brief description of his machine and must display the metal plates on his car, for which he pays a fee varying from \$5 for a motorcycle to \$150 for a five ton truck, the largest truck registered in this state. Appeal from the commissioner in the case of a revoked license lies to the governor.

**4. State  
Board of  
Motion  
Picture  
Censors,  
\$2,400  
Each**

The Board consists of a chairman, vice-chairman, and secretary, appointed by the governor with the consent of the Senate for a term of three years with the usual overlapping terms. The Board is required to examine all films, reels, or views to be exhibited in the state; to approve the moral ones and to condemn or "cut" those which it believes debasing to morals. The Board receives a fee of \$2 per reel, of normal length, and \$1 per reel for each duplicate submitted at the same time. The board after examination issues a certificate and furnishes an official seal which is affixed to each set of films which receives its approval. One-half of all fees received by the Board are paid into the state treasury; the other half, up to \$12,000, serves to defray the salaries and expenses of the board; all fines for violation of the law go into the state treasury. Any person dissatisfied with the result found by the board may submit the film for re-examination to two members and for final decision to the Baltimore City Court. Any member or employee of the Board may enter any place where films are exhibited, may prevent the exhibition of unapproved films, or order any improper advertising matter submitted to the board.<sup>6</sup>

**5. Racing  
Commission**

The law creating the Maryland Commission was passed at the legislative session of 1920, going into effect in June of that year. It is an effort to regulate the races where purses, stakes, or rewards are given under the

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<sup>6</sup>The provisions of the act do not apply to religious, charitable or fraternal organizations, or to any library, school, or museum, exhibiting films for purely religious, charitable, or educational purposes.



conditions which it deems wise to prescribe.<sup>7</sup> The act has not been in effect long enough to judge its effectiveness.

This commission is likewise an effort to regulate rather than prohibit prizefighting in the state, and to remove certain evil conditions which surround boxing. The governor appoints three members, not more than two of whom shall be of the same political faith, for terms of six, four, and two years, so that ultimately each will serve six years. It is charged with absolute power of license over boxing and wrestling in Baltimore City; it has power to appoint all officials connected with the sport. For its work it collects 10% of the gross receipts of all boxing exhibitions. After all expenses have been met the surplus money must be turned over to the state treasurer.

6. State  
Athletic  
Commission

By an act of 1920 a Board of Boiler Rules was created, consisting of the chairman of the State Bureau of Labor and Statistics, who acts as chairman, the attorney-general, and the chairman of the Industrial Accident Commission. This body was created to formulate rules and regulations governing the proper construction and installation of steam boilers for use in the state and to enforce such rules.

7. Board of  
Boiler  
Rules

Maryland possesses valuable lands, roads, buildings, harbors, forests, mines, and fisheries. Various commissions are given supervisory functions in relation to these natural resources.

IX. Super-  
vision of  
Public  
Property  
and  
Natural  
Resources

The land office has existed since the first constitution. The commissioner is appointed by the governor, subject to Senatorial confirmation, to hold office during the governor's term. The land office is the state record office pertaining to the boundaries of land and is the means by which discovered vacant land is passed by the

1. Commis-  
sioner of  
the Land  
Office,  
\$1,500

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<sup>7</sup>The Commission probably received some support from the element which, while wishing the evils regulated, desired to preserve to the state this lucrative source of revenue, \$1,000 per day for each day of a racing meet.

state to the individual. The commissioner sits as a judge in disputes over vacant land but appeal lies directly to the Court of Appeals. Certain clerical duties are also assigned to the office, such as keeping land maps and records, the issuing of warrants to survey lands, recording patents and certificates returned by the county surveyors, and answering questions relating to military service, wills, inventories, and insolvency proceedings. Land patents are signed by the governor. Clerks of courts are keepers of the land records and send accounts of transfers to the state land office. The office brought into the state treasury from October, 1919, to October, 1920, the sum of \$1,685.34 for the vacant lands.

#### **Better Roads Movement**

Maryland has had county road supervisors since 1851, but the elaborate system of roads, of which Maryland is justly proud and which has placed her in the very forefront of this movement, is a matter virtually of the last decade. The system has been built up by means of the State Aid Highway Act of 1906, which provided for co-operation between the state and counties; by means of the act of 1908, which provided for strictly state roads, in charge of a State Roads Commission with extensive powers of supervision and construction; by means of a generous expenditure of money, the state having spent from 1908 to December, 1920, \$30,650,404.40; and by means of imposing on the Commission the duty of regulating traffic and repairing state roads. According to a claim often made, Maryland was the first state in the Union to adopt a policy of building the main roads solely at state expense. Since 1916, it has embarked on a system of minor branch roads. Up to January 1, 1921, a total of 1,587.32 miles had been constructed through the agency of the state, of which only 152.02 miles were state-aid roads. To prove continued interest, it might be noted that in January, 1920, Maryland was one of the three states which had used its entire federal aid allotment for roads.

The present commission was created in 1916, when a reorganization act reduced the number from 7 to 3, but still reposed the appointment in the governor. It has entire supervision over the construction and maintenance of state and state-aid roads. It maintains the state roads with receipts from motor vehicle license fees. Provision was made in 1920 for the issuance of \$3,000,000 worth of bonds, the proceeds of which are to be used by this Commission to match federal aid in the construction of rural post-roads, and to build such lateral roads as may be determined by the Commission, if matched by the counties. The work for the future will be doubtless directed toward the preservation of the roads and further development of lateral lines.

The superintendent and all officers in his department are appointed by the governor. The former is custodian of all public buildings and grounds located in the city of Annapolis. It is his duty to see to the protection of the buildings and their contents, to purchase supplies and to keep the state property in good repair.

This board may logically be included here, if its financial functions be disregarded. The board consists of the governor, treasurer, and comptroller. It has some slight powers of arbitration between a corporation in which the state is interested and its employees if both consent, and makes several important appointments: those of state auditor and his deputies, Bank Commissioner, and Insurance Commissioner.

All state armories and all buildings rented in behalf of the state for the purpose of training and equipping the state military forces are under the management of the State Armory Commission, consisting of the governor, comptroller, and the adjutant-general, who serve without additional pay.

The act of 1916, creating the Conservation Commission of Maryland to consist of three members appointed for a term of four years, abolished the Board of Shell Fish Commissioners, the Commissioners of Fisheries, and

**2. State Roads Commission**  
Chairman,  
\$2,500  
2 Members,  
\$2,000

**3. Superintendent of Public Buildings and Grounds,**  
\$1,500

**4. Board of Public Works**

**5. State Armory Commission**

**6. Conservation Commission**  
\$3,000 Each

the State Conservation Bureau. It has general control and enforcement of the laws over the following natural resources: oysters, clams, fish, crab, terrapin, wild fowl, birds, game, and fur animals. The Commission appoints its staff, its deputies, general and special inspectors, guards, and wardens. The game warden enforces the laws dealing with birds and game. The conservation of the natural resources of the state presents a perplexing problem, which demands active, intelligent cultivation as well as mere protection.

### Oysters

#### Value to State.

#### Decline in the Industry

There has been no lack of oyster legislation in Maryland so that all details of the oyster industry would seem to be regulated by law. Licenses must be taken out from court clerks in order to share in the industry, the fees going to the credit of the "oyster fund." The Commission in its report of 1920 strikes the note of warning in its insistence on the need of *cultivating* the seafoods industries. The value of oysters to the state and the appalling decrease in the output are matters with which citizens of Maryland should be thoroughly familiar. Engaged directly in the industry are 20,000 people, with 100,000 dependent wholly or partly upon it for a livelihood; it requires 2,000 sailing vessels, and over \$2,500,000 is invested in the vessels and packing plants. The industry may be estimated worth \$4,000,000 to the state. The difference between 16,000,000 bushels produced in 1885 and 4,500,000 in 1919-20 tells the tale of a steady downward trend. Maryland at one time ranked first among the oyster-producing states and could be made to do so again. The remedy is indicated by the record of slow increase in output during the life of the Commission from 3,500,000 bushels in 1915-1916 to 4,500,000 bushels in 1919-1920. Natural beds thought to be inexhaustible are gradually being made barren. During the past everything has been taken from the bay, nothing contributed, not even the shells. Up to 1916, nothing had been attempted; and even now little true development is being accomplished.



Crabs will likewise soon disappear, unless measures are taken to protect the female by preventing winter dredging of the sponge crab in Hampton Roads, which lies within the jurisdiction of Virginia. Here, again, one of the large industries of the state is concerned. The waters of the state offer great natural spawning ground for shad, but legislation is absolutely necessary to regulate the setting of nets from the mouth of the Chesapeake to the shad-spawning grounds at the head of the bay as the experience of the United States shad hatchery at Havre de Grace indicates that but 1% of the shad entering the Capes are ever allowed to spawn.

**Crabs and  
Shad**

The first step is sufficient interest to secure from the Assembly needed legislation for adequate funds and regulatory laws. The Commission urges:

**Suggestions**

1. The restoration of the oyster shells to our depleted bars by an appropriation of \$100,000, the revenue to be derived by an increased oyster tax.
2. Legislation for the protection of the crab during its spawning season, to be secured by co-operation with Virginia, and by federal regulation.
3. The repeal of our local fish laws and enactment of a state-wide fish law and migratory fish law, together with the establishment of a fresh-water hatchery at the State Game Farm to propagate fresh-water fish.

The requirement since 1918 of a state-wide hunter's license, issued by the clerks of the Circuit courts, has resulted in an increase of receipts, which is the sole source of revenue for this department, and in an increase in the game supply. The game laws have been well worked out in general in this state. In September, 1919, this department purchased 290 acres of land with building at Gwynnbrook to establish a state game farm from which pheasants and quail are being distributed into the covers of Maryland. The warden estimates the value of the game killed in the state during the season of 1920

**Game**

**Game Warden,  
\$2,500**



at a half-million dollars, and yet there has been a decided increase in the wild fowl of the state. There are 21 game wardens in 21 counties with an area of 13,959 square miles to patrol.

**Agriculture,  
Value to  
the State**

The value of Maryland's agricultural resources is evident when one recalls that of the total land area, 6,362,240 acres, 4,757,999 acres is in farms; that the number of farms is 47,908; that the value of farm property is \$463,638,120; that the number of male farmers is 47,908, of whom 6,209 are colored; that the rural population in the state is 50.2%; and that the total income from farms was estimated at \$219,622,328 for the year 1919.<sup>8</sup> Maryland ranked second among the states in the amount of tomatoes packed, third in the amount of corn, and third in the amount of peas in 1919.

Since 1888 the greater part of the agricultural administration of the state has been carried on by the College of Agriculture, now a part of the University of Maryland, and by the Agricultural Experiment Station. Although the latter is a distinct institution, it has been put by the state under the control of the Board of Regents of the University. The Agricultural College and the Station co-operate almost as a unit.

**7. Board of  
Agriculture**

The law provides that the personnel of the State Board of Agriculture be the same as that of the Board of Trustees of the State University, a body consisting of nine members appointed by the governor for nine years. The Station receives the state's share of the federal appropriations for agricultural investigation under the Adams act, \$15,000 a year. The Board shall investigate the conditions surrounding the breeding, raising, and marketing of livestock and their products; contagious and infectious diseases affecting livestock; the raising, distribution and sale of farm, orchard, forest, and nursery products generally and plant diseases and injurious insects; the preparation, manufacture, quality, analysis, inspection, and distribution of animal and vege-

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<sup>8</sup>These figures are based on the United States Census report of 1920.

table products, animal feeds, fertilizers, agricultural and horticultural chemicals, and shall publish the information thus acquired. It has control of the development of the agricultural interests of the state, including the encouragement of desirable immigration, with authority to issue rules to have the effect of law. It must also protect the health of the domestic animals by establishing quarantine, sanitary, and other regulations at need.

An early law created the offices of the State Entomologist, Pathologist and Horticulturist. The purpose of the latter department was the eradication of the San José scale, peach yellow, pear blight, and other pests and plant diseases. These officials, who are also professors of their respective subjects at the Agricultural College, are authorized to treat or destroy trees and plants throughout the state on public land, while their orders to owners of infected trees or shrubs must be executed. At least once a year the healthfulness of general agricultural conditions is ascertained, and semi-annually every nursery is inspected.

**Pathologist,**  
**\$3,000**

**Entomologist,**  
**\$1,000**

**Horticulturist,**  
**\$1,350**

The work of the agricultural administration is handicapped by lack of funds and it is entirely justified in asking increased appropriations from the state for its highly useful work in maintaining investigations now in progress and in solving the new problems, which constantly arise. The amount which the state is asked for to maintain the work on the past basis would amount to a commission of 1% on the annual increase in sales which Maryland farmers enjoy. It is not possible to give even a brief survey here of the lines of investigation now in progress, but a study would reveal that they cover a wide range and aim to secure information which will contribute to the successful production of the principal crops and animals of the state. The importance of state aid in promoting agricultural activity is emphasized by the decrease in farm population and farm labor, which has been noted in recent years.

**Criticism**

8. State  
Tobacco  
Inspector  
Chief,  
\$4,000

An Act of 1920 provided that the Tobacco Inspector, who had heretofore been appointed by the State Board of Agriculture, shall be appointed by the governor alone. His term is two years. He must be a tobacco grower or a duly qualified dealer in leaf tobacco, and a resident of one of the tobacco-growing counties of the state. The tobacco warehouses and other property connected with the business in Baltimore City are placed in his charge; he inspects all the tobacco brought there, either personally or through samplers over whom he has complete charge. He may sell the tobacco he has raised, but he and his employers are prohibited from engaging in the business of buying or selling tobacco. Detailed laws have been passed for storing, weighing, inspecting, and marking all tobacco delivered to these warehouses; and no tobacco grown in the state is held or entitled to storage, unless it measures up to the specifications of the laws.

9. Geological and  
Economic  
Survey

The Geological and Economic Survey was established in 1896, and placed under the direction of a Commission composed of the governor, comptroller, president of the Johns Hopkins University, and the president of the University of Maryland, who are reimbursed only for expenses. They select a Geologist as Superintendent and necessary assistants. The duties of the latter are to examine the geological formation of the state with reference to their economic products, stones, clay, ores; to study the soils with reference to crops; to examine the physical features, streams, hills, roads, with reference to occupation; to prepare maps of various sorts; to make surveys to determine the available waters, and then to make that information available. It distributes collections among the educational institutions of the state, and keeps a permanent mineral exhibit in the old Hall of Delegates at Annapolis. The soil survey now in progress will be completed in about two years. Maryland should take pride in this work, as it was first inaugurated in this state.

The Board of Forestry is composed of the governor, comptroller, president of the Johns Hopkins University, president of the State University, state geologist, and two members appointed by the governor, one a practical lumberman, and the other interested in forestry. This body was organized to protect and develop the timber and tree products of the state, to carry on a campaign of education on the necessity of preservation of our forests.

**10. State  
Board of  
Forestry**

The practical work is under a state forester, who has contact with the Board as its secretary. He has studied the timber situation in each of the 23 counties; counties, towns, or corporations may secure his help for the protection or replacement of trees by paying the field expenses of men employed. He tries to prevent and extinguish forest fires through a well-established system of patrolmen, 15 at present, and steel look-out stations with telephone connections. The greatest number are in the four western counties where the greatest danger of fire exists. Each year a new type of forest fire sign is brought out, to be posted in public places by the wardens. The expense of fighting the fires is borne equally by the state and county unless responsibility can be fixed. About 20,000 trees within the right of way along highways, not to mention those on state reserves, are trimmed annually by the wardens, while permits are necessary for cutting or trimming private trees. Every warden enjoys the powers of a constable in enforcing the forestry, game, and fish laws within his area, about 50,000 acres. Under the right of the Board to purchase reserves, the state now owns 3,554 acres in reserves. The Forest Reserve Fund is being created from fines for violation of the forest laws. The value of this administrative department speaks for itself when one realizes that Maryland has 35% of her area in timber, and that the annual saving by reduction in the number of forest fires has been \$70,000 a year or a quarter of a million dollars during the eleven years which the department has existed, not to mention the

**State Forester,  
\$3,500**



loss which results in the washing away of the soil when deforestation goes on steadily. The forest nursery, established in 1914, is stated to have fully justified the undertaking, as the demand for young trees exceeds the supply by five times.

One sentence quoted from the last report of the Forestry Board will show that this department, like the Conservation Commission, is alert to the difference between conservation and mere preservation. "It is the purpose of the Board of Forestry to render to every land owner of the state, who can be reached, expert and practical assistance in the handling of his woodlands, help in forest and shade tree planting, and in the care of shade and ornamental trees generally."

**11. State  
Weather  
Service**

This service is under the control of the Johns Hopkins University, the State University, and the United States Weather Bureau. The governor commissions a director, designated by the president of the Hopkins University, while its other officers are a meteorologist, named by the Chief of the Federal Weather Bureau, and a secretary-treasurer, each serving for two years without pay.

**IX. Depart-  
ment of  
Public  
Education  
Superin-  
tendent,  
\$8,000**

An entire chapter is devoted to the discussion of this important subject so that nothing more than the recording of this field of administrative activity is necessary here.

**X. Assessment  
and  
Taxation**

The laws relating to the assessment of property and to methods of taxing property have become so involved and technical that new administrative agencies for executing them have had to be created. The State Tax Commission now serves as that especial agency.<sup>9</sup>

**XI. Regula-  
tions of  
Professions  
and  
Trades**

The numerous boards, whose business is merely to issue certificates for the practice of the different professions and trades are well-nigh a score. At the head must be placed, of course, the recently created Employment Commissioner. Without Senate confirmation, the

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<sup>9</sup>For a full discussion of this subject see chapter IX on Taxation and Finance.



governor appoints one person to serve for six years, beginning October, 1920. A single head, rather than a Commission for this task, represents a forward step. He is charged with putting into effect and administering the merit system of appointment. He is given general control of employment and personnel matters as far as the classified service is concerned. The elective officers, the officers and employees of the two houses of the Assembly, court officers, members of boards and commissions, certain county employees, the police of Baltimore City, positions yielding less than \$650 a year, and a few other posts, about 1,000 out of a total of 3,000 positions, are exempt from the merit rule. The law requires that the Commissioner classify positions in the service; that he recommend minimum, maximum, and intermediate rates of pay for each class of employees, pass upon the qualifications of applicants, and certify eligibles for vacancies; pass upon transfers and leave of absence; provide for the removal of employees, and make recommendations for increased efficiency and economy in state administration.<sup>10</sup>

**Employment  
Com'r  
and the  
Civil Service,  
\$5,000**

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<sup>10</sup>For the rest, a list of the boards should suffice.

State Board of Barber Examiners, 3 members for a two-year term.

Board of Chiropody Examiners, 3 graduates.

Board of Chiropractic Examiners, 3 resident graduates of a school of Chiropractic for a three-year term.

State Board of Dental Examiners, 6 members from a list furnished by the State Dental Association.

Board of Examining Engineers (Stationary), 2 members for a two-year term.

Board of Electrical Examiners and Supervisors, 5 members for a two-year term from lists submitted to the governor.

Board of Examiners of Horse-Shoers, 5 members for a four-year term.

State Board of Medical Examiners, two boards of 8 members each, appointed by the Medical and Chirurgical Faculty of Maryland and the other by the State Homeopathic Medical Society.

Board of Examiners of Moving Picture Machine Operators, 3 members for a two-year term.

State Board of Examiners of Nurses, 5 members from a list furnished by the State Association of Nurses.

State Board of Examiners of Optometry, 5 members from 10 names furnished by the State Association.

Board of Osteopathic Examiners, 5 members for a three-year term from the full list of members of the State Association.

State Board of Pharmacy, 5 members for a five-year term.

**XII. Department of Military Affairs**

**1. Adjutant-General, \$3,000**

In recent years the federal laws have greatly reduced the freedom which the several states have possessed as to their militia establishments. The head of this department is the adjutant-general, appointed by the governor in his capacity of commander-in-chief, with the consent of the Senate. He is removable only by a court-martial. From his office at Annapolis he controls the management of the uniformed military companies. He performs the duties usually appertaining to his office; superintends the preparation and publication of all official forms required in the military service of the state and reports required by the United States; and keeps a register of all commissioned officers and the record of enlisted men. He is likewise custodian of all state and federal property in use by the organized militia; he has control of and apportions state appropriations for the militia. He promulgates the governor's orders as commander-in-chief, and provides appropriate regulations for the government, discipline, and maintenance of the military establishment. He publishes all federal regulations applicable to the militia of the state and serves as the official channel of communication with the War and Navy Departments in all matters concerning the militia in which the federal government has an interest. He is

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Commissioners of Practical Plumbing, for Baltimore, 3 members for a two-year term, who serve with the Commissioner of Health and one member of the State Board of Health.

State Board of Examiners of Public Accountants, 3 members for a three-year term.

State Board of Undertakers, 7 members appointed by the governor with the Senate, together with the secretary of the State Board of Health, Commissioner of Baltimore City, and Assistant Commissioner.

Veterinary Medical Board, 5 members for a four-year term.

State Board of Law Examiners, three lawyers of ten years' experience appointed by the Court of Appeals.

Police Examiners, 3 members for a two-year term appointed by the governor with the consent of the Senate.

With the exception of the State Board of Medical Examiners and the Board of Law Examiners, all the above are appointed by the governor, often from lists submitted by an association of the profession concerned, or by the governor with the consent of the Senate.

Stated in a rough general way, it may be said that members of these boards receive \$5 a day for the actual time spent, or else the compensation and expenses of the board are paid out of the license fees.

the disbursing agent for these departments in any allotments made by the national Congress to encourage the state military establishments.

The designation of an officer of the United States Army for duty in connection with the state militia is made by the War Department under an act of Congress providing that any state having a regularly organized militia may through its governor prefer a request for such an officer.

In addition to the departments described above, there are odds and ends of administration which do not classify readily. Among these must be listed (1) the Uniformity of Legislation Commission to study means to effect uniformity through the states in respect to marriage and divorce laws; (2) Commissioner of Deeds for Maryland Residents in other States, who receives acknowledgments in other states from persons resident in those respective states in order to pass title by deed to property in Maryland; (3) Legislative Reference Bureau, a state office since 1916 when the Legislature imposed upon it service to members of the Assembly and administrative departments; (4) Measurer of Wood-carts; (5) Inspectors of Hay and Straw, and (6) Weigher of Tomatoes. The governor and Senate still spend their time to appoint one person to measure and stamp vehicles engaged in hauling wood in Baltimore, four men to weigh at state scales hay, straw, hemp, cable, barks, and corn, though the offices are practically extinct; and one person to weigh all vegetables sold by weight which come to the central market.

There are several temporary commissions created in 1920, which are almost self-explanatory. (1) State Office Building Commission to study the feasibility of leasing or erecting in Baltimore a building for adequate office space for those state departments which must function from Baltimore; (2) Commission to Revise Insurance Laws; (3) War Records Commission, which is doing a notable work in preserving the records of the part contributed by Maryland to the World War; (4) War Claims

### XIII. Miscellaneous

Commission to investigate claims of citizens of Maryland against the United States, arising from the war; (5) Commission to Study Mining Legislation to prepare a code of mining laws; (6) Industrial and Welfare Commission to recommend laws for a better understanding between employer and employee; (7) State Aviation Commission to promote aviation in the state; and (8) Annapolis Sewage Commission.

Then there are two other administrative agencies which must be named to make our list complete: The Trustees of Washington Cemetery, a soldiers' cemetery in which the state has some interest, and the Liquor License Commissioners, two of whom are still appointed to enforce the state requirement of a license to sell liquor despite the Eighteenth Amendment and the Volstead Law.

#### Criticism

It is clear that Maryland is trying to carry on huge administrative and business enterprises with a patched-up system without plan or unity and without any co-operation between departments. The result has been decentralization, some duplication of work, and lack of control. No executive could possibly supervise the seventy-six officials, boards, and commissions in active operation, not to mention the fact that all responsibility does not center in him. In only about one-half of the agencies is appointment vested in the governor alone, and even in a number of these, his choice is restricted by legislative requirements. The state is involved in unnecessary administrative expense, overhead expense, to use a business term; it is difficult for the Assembly to understand the structure and allow just appropriations for each agency in approving the budget; and the public is left in a hopeless muddle. This maze of scattered jurisdictions must be straightened out into twelve or fourteen departments, at the head of which should be one person, appointed by and wholly responsible to the governor. The twelve or more heads might well constitute a cabinet for advice to the governor. Inasmuch as such a reorganization as is now in contemplation in the

state will require the adoption of constitutional amendments to make the offices of attorney-general and treasurer appointive instead of elective, it behooves every voter to watch closely the developments of the next six or eight months.

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J. M. Mathews, *Principles of American State Administration*, chaps. VI-IX, Appleton and Co., N. Y., 1917.

Washington Suburban Sanitary Commission Report on the *Advisability of Creating a Sanitary District in Maryland Contiguous to the District of Columbia*, to the General Assembly, 1918.

*A Plan of Administrative Consolidation*, a report made to the governor by the experts who surveyed our administration, Chicago, 1921. (Griffenhagen Report.)

The reader is referred to the numerous annual or biennial reports of the different departments, boards, and commissions. As reports of general, non-technical information which would appeal to the casual reader, the following are especially commended: reports of the Board of State Aid and Charities, of the Conservation Commission, of the State Board of Forestry, of the State Board of Health, of the Bureau of Labor and Statistics, of the Lunacy Commission, of the Agricultural College, and of the State Roads Commission. Citizens who are not in the habit of entertaining themselves with these works will be surprised at the interesting material buried in their pages from an unsuspecting public.



## STATE INSTITUTIONS OF MARYLAND.

(Supported wholly by the state.)

### Penal and Reformatory.

Maryland Penitentiary, located in Baltimore.

House of Correction, Jessup's.

Maryland Industrial Training School for Girls, Baltimore.

(After 1921, Montrose.)

Maryland Training School for Boys, Loch Raven.

### Hospitals for the Insane and Feeble-minded.

Crownsville State Hospital, Crownsville.

Eastern Shore State Hospital, Cambridge.

Rosewood State Training School, Owings Mills.

Spring Grove State Hospital, Catonsville.

Springfield State Hospital, Sykesville.

### Homes for the Defective.

Maryland School for the Deaf and Dumb, Frederick.

Maryland School for the Blind, Overlea. (Only partially supported by the state.)

### Hospitals.

Maryland Tuberculosis Sanatorium, Sanatorium, Md.

Pine Bluff Sanatorium, Salisbury.

### Educational.

University of Maryland, College Park.

## Chapter IX.

### TAXATION AND FINANCE.

The very words at the head of this page are dull and forbidding. But let us remember that every dollar spent by the state or county comes out of the pockets of the people. Every dollar squandered is so many cents or mills which the people have earned. Finances are not easy to understand and citizens cannot know whether their money is being wasted for them, cannot read intelligently the financial reports which are published from time to time in the papers unless they first understand the machinery of taxation.

**Finances Not  
Easy to  
Understand**

Maryland has made provision for the administration of state finance by several officers, the chief of which are the comptroller and treasurer. The comptroller is the financier or manager of the state's money matters and hence fills a very important office. He is elected by the people at the same time as delegates to the lower house, to serve two years from the third Monday in January after his election at a salary of \$2,500, which he is not permitted to increase by fees, commissions, or perquisites of any kind. He is required to furnish bond in the sum of \$50,000. In case of a vacancy in the office, the governor, with the consent of the Senate, appoints a successor to fill out the term or until the legislature makes a choice. He may be removed by impeachment if charges of incompetency, wrong-doing, wilful neglect of duty, or misappropriation of state funds are brought against him during the sessions of the Assembly. During a recess of that body, the governor may notify the accused and set a day for a hearing. If, in the governor's judgment, the evidence convicts, he may remove

**Comptroller**

the comptroller and appoint some one else for the remainder of the term.

#### **Duties**

He has general superintendence of the financial affairs of the state. He prepares estimates of the revenues and expenditures; prepares plans for the improvement of the revenues and of the public credit; superintends the prompt collection of all taxes and revenues; adjusts claims for errors in taxes; settles on legal terms with delinquent collectors of taxes or receivers of public money;<sup>1</sup> preserves all public accounts, and fixes the forms of keeping accounts; signs all warrants for money to be paid by the state and countersigns all checks drawn by the treasurer on any bank; signs all evidences of state debt and provides methods for the transfer of bonds; checks up the treasurer by keeping an account between the latter officer and the state and by examining monthly the treasurer's accounts; obtains reports concerning the revenues and taxes of the state; and reports to the legislature within ten days of the opening of each session or, in odd years to the governor, accounting for all funds, revenues, and expenditures of state money. It is his duty to see that incorporated institutions publish unclaimed dividends and deposits.

#### **Treasurer**

The treasurer is the manager of the state banking department. While the comptroller takes care of the money, the treasurer receives and disburses it. Each is a check upon the other to guard the treasury. He is elected by the legislature on joint ballot of the two houses at each session. He must file a much larger bond than the comptroller, \$200,000 as compared with \$50,000, with securities approved by the governor; and he in turn must require a like bond of any agent he appoints. The provisions for filling the office in case of a vacancy, for the salary, and for removal are the same as for the comptroller.

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<sup>1</sup>He directs the state's attorneys to bring suit in case of default by any receiver of money, as a tax collector, court clerk, registrar, or contractor after due notice. Where accounts of officers are in arrears, he advertises the default in the papers for 30 days before a general election except where the arrear has been outlawed by a lapse of 15 years. Const., art. VI., sec. 2.

He receives all public money, and selects the banks for deposit, subject to the governor's approval; disburses the money upon warrants of the comptroller, but only for appropriations made by the legislature; he must sign all bonds or evidences of state indebtedness; he arranges for the payment of the interest on the debt and the keeping up of the sinking-fund; he receives and pays the interest on the deposits of guaranty companies, which report to him semi-annually and are subject to his examination; every three months he gives an account of the state of the treasury to the comptroller, while every month he publishes in the newspapers designated by the governor a brief record of the state of the treasury. And on the third day of each regular legislative session he must submit to the Assembly copies of all accounts settled with the comptroller.

**Duties**

To prevent dishonesty and abuse in our financial affairs we have the following checks:

**Safeguards  
On the  
Treasury**

1. The comptroller and treasurer check each other. The treasurer has access to the vaults where the stocks, bonds, and securities of the state are deposited only in company with the comptroller or by means of a duplicate key.
2. The governor may examine and inspect the books of the two financial officials every six months or oftener.
3. The Assembly each session appoints a joint committee with power to investigate and report on all state expenditures, even the governor's contingent fund.
4. An accurate statement of receipts and expenditures must be published with the laws after each session of the Assembly, thus affording a check by the public.

Since 1864 Maryland has had a Board of Public Works, consisting of the governor, comptroller, and treasurer. Public works are thus brought under the close supervision of the principal financial officers of

**Board of  
Public  
Works**

the state, a measure which should promote centralization. Incidentally, the state saves salary expenditure for this branch of administration, as the members, already state officers, draw no extra pay. It was created originally to look after the interests of the state in the canals and railways in which the latter was a stockholder. The principal duty of the Board today is that of handling state bonds, selecting the depositories for state money, and formulating the financial policy of the government. It has also several other functions, which have been discussed in the proper place in the chapter on Administration.

**State  
Auditor**

This officer in the treasury department is appointed and removed by the Board of Public Works. His term runs for two years from the date of qualification and the office carries a salary of \$2,500. The auditor examines annually the books and accounts of all court clerks, registers of wills, sheriffs, and state's attorneys, officials of the state tobacco warehouses, of all tax collectors, of all state-aided institutions, and of such other officers as the Board of Public Works directs. He reports to the Board, which must immediately have suit brought against any defaulting officer.

**Duties**

**Natural  
Divisions  
of the  
Subject**

Public finance is usually considered under three main heads: revenue, expenditure and debt. But under each there will fall various natural subdivisions. Under revenue one must necessarily consider the sources from which Maryland secures the money to carry on the work, the machinery by which taxes are levied and assessed, and the way in which property is classified for taxation and exemption allowed certain kinds of property from taxation. Under the heading of expenditure methods of appropriation, the budget system, and the central purchasing bureau naturally group themselves. And, lastly, in any discussion of the debt, the constitutional limitations placed upon our power to incur debt, the methods of borrowing, and the various methods of paying debts must be touched upon.



Before the sources of revenue are considered, taxes had best be defined. The financial administrative departments must have funds to administer and those funds are secured by taxes direct or indirect, as fees, or licenses. Probably the classic definition of a tax cannot be improved upon: "Taxation is the confiscation of private property for public use." Money is indispensable to the maintenance of government, schools, highways, bridges, and so the state must have power to require from its citizens what is needed, even by force, in return for the protection of their lives, liberty, and property. But one of the fundamental tenets of all good government is that taxes must be levied on all persons in proportion to their ability to pay. The legislature, the representatives of the people, alone may levy taxes, either directly or by delegating its authority to the county or municipality.

## Taxes Defined

Of the entire revenue obtained by the state at the present time, a large part comes from taxes on real and on personal property. These taxes are levied at a uniform rate upon the assessed value of real estate, including lands and buildings, and upon personal property, which may be tangible or intangible. In the class of tangibles fall household furniture, clothing and wearing apparel, merchandise, raw material, tools, and machinery; as intangibles must be classed stocks, bonds, and mortgages—that which is not readily perceived.

### I. Revenue

#### 1. Sources of State Revenue

#### a. General Property Tax

Maryland had until 1915 in her Declaration of Rights the requirement that every person should be taxed according to his wealth in real and personal property;<sup>2</sup> in other words, all property, of whatsoever kind, must be taxed at a uniform rate. This was based on a false conception that to tax one form of property at a different rate from another was to discriminate unfairly between the owners of property. Fair enough perhaps in the infancy of the country, when property consisted of tangible things, such as land, buildings, and slaves, it has become fundamentally unjust when intangible

#### Former Restrictions On Classifi- cation of Property— Reasons

<sup>2</sup>D. of R., art. 15.

**Restrictions  
Removed**

property constitutes a very large part of the wealth of the state. To levy taxes on all property at a uniform rate is not sound and does not serve the general welfare of the whole people. Hence, we now believe that a fairer distribution of the public burden can be made by classifying property and by levying a different rate on each class. More compelling in securing the passage of the amendment which allows classification of property than any argument of justice was the fact that when wealth is in the form of intangibles, much of it escapes taxation, if all is taxed at the same rate. Lands and buildings can be seen and cannot escape detection, but bonds and stocks in safes and vaults are often secure from the assessor's eyes. When a lower rate is levied on intangibles, there is some hope that owners will declare them. In 1915 the constitution was amended so as to require the Assembly to classify property according to its character in the effort to secure on each rates which are best suited to the advancement of the community, even permitting partial or total immunity. The legislature has not classified the property of the state, counties, or of Baltimore City, but has for the towns. Three towns have availed themselves of the right to exempt personal property and improvements from the town tax and have established a single tax, as land only is subject to the full town rates: Garrett Park, Perryville, and Capitol Heights.

**b. Other  
Taxes**

Two other taxes in the state must be mentioned: one on inheritances passing to indirect heirs, other than father, or mother, husband, wife, child, or lineal descendant; and taxes on corporations, the latter a lucrative source of income, as they are subject to local and state taxes on their real property, tangible property, to a state and local tax on intangible personal property, to a bonus or organization tax, and to an annual franchise tax. It is to be noted that poll-taxes are explicitly forbidden by our constitution as "grievous and oppressive."

**c. Revenues  
From  
Other  
Sources**

Other sources of revenue for Maryland are the license fees exacted from certain forms of business, such as oyster dredging, on fertilizers, garages, laundries, de-

pective agencies, livery stables, moving-picture houses, peddlers, automobiles, dogs—a list too long to be given. And, lastly, the state exacts fees for the service of officials, such as for the recording of land deeds, inspection of tobacco, and court fines. Here also might be classed the interest on state deposits, the returns from convict labor, and the dividends from stock owned by the state.<sup>3</sup>

Certain property is exempt from taxation by the state, as property of the United States; of the state or of the municipality; property used for religious or benevolent purposes, as churches, cemeteries, hospitals, and schools; property already taxed in another form, as railroad stock; wearing apparel except costly jewelry, household furniture to the value of \$500, raw materials in the hands of the producer, tools, and farm implements to the value of \$300 are exempt from state and local taxes; in addition, tools, implements, and machinery used in manufacturing may be exempt at the will of the locality, and Baltimore City and some counties<sup>4</sup> have made them exempt. All bonds, stocks, and certificates of indebtedness of the state or of any of its political subdivisions in the hands of individuals and United States bonds are exempt from state and local taxation, and mortgages on real estate located in Maryland are exempt except in Frederick County.

Personal property is taxed in the county or city in which the owner resides, if a resident of Maryland; but goods and chattels permanently located are taxed in the city or county where they are located. If a resident of Maryland owns real estate outside of the state, it is not

## **2. Property Not Taxed**

## **3. Where Taxes Are Paid**

<sup>3</sup>The sources of state revenue may be cast in the form of a table:

1. Taxation on general property, inheritances, and corporations.
2. Licenses on oyster dredging, fertilizers, tobacco, automobiles, etc.
3. Fees for the service of officials, recording of land deeds, inspection of tobacco, interests on state deposits, court fines, returns from convict labor.

<sup>4</sup>Anne Arundel, Baltimore, Carroll, Howard, and Prince George's.

taxed in Maryland. The legislature may and does provide by law for state and municipal taxation upon revenue resulting from business done in the state by outside corporations. A person pays taxes on stock in corporations in the county and city where he resides if an inhabitant of Maryland; if not a resident of the state, he pays in the county or city where the company is located. The Assembly may not pass local or special laws for the assessment and collection of taxes for state or county purposes or extend the time for the collection of taxes.

#### **4. Machinery of Taxation**

The state does not collect its taxes directly, but uses the counties and Baltimore as agents. In the counties the process is largely in the hands of the county commissioners, subject to the power of the state to impose taxes and make rules for collection; in Baltimore City the process is divided between the mayor and council, the collector, and the Appeal Tax Court. The taxes are levied by the county commissioners and by the mayor and council, and the rate must be uniform.

#### **a. Assessment**

Each year the county commissioners and the mayor and council of Baltimore fix the local government tax rate; they determine the amount of money needed to carry on the government for the year, and ascertain how many cents must be paid on each hundred dollars of assessed property in order to raise that amount of money, to which sum they add the tax rate for the state. As soon as an area is incorporated as a town, the residents pay town taxes. In order to determine the amount which each property-holder must pay, it is necessary to ascertain the value of his or her property, a task which is performed by assessors. As the value of property changes from time to time, personal property more rapidly than real, reassessments must frequently be made. All property must be reviewed for assessment at least once every five years. The last assessment in this state was that ordered in 1916 on real estate by the State Tax Commission, followed the next year by one on personal property. The assessed value of all the



property in the state was placed September, 1920, at \$1,518,706,078.52.

The taxes are collected in the counties by the county treasurer or by persons appointed each year by the commissioners and in Baltimore City by the city collector.<sup>5</sup> Every collector must give bond to the state, approved by the governor. The commissioners of the land office, the clerks of courts, and the registers of wills make returns to the tax officials in order to help the latter keep track of the property in the state. The county commissioners and Appeal Tax Court of Baltimore City keep records and valuation of property, and their clerks send lists of assessments to the comptroller within thirty days after the levy is made. Appeals for reduction and requests for abatement go to the county commissioners or to the Appeal Tax Court of Baltimore City, as the case may be, while formal appeals lie to the State Tax Commission and then to the Circuit Courts for the counties and to the Baltimore City Court on points of law. If sale of property for taxes becomes necessary, the collector must allow thirty days to elapse after he has made statement of his intention. Collectors receive their pay in the form of commissions, the amount of which is limited by law.

#### **b. Collection**

One need in the tax system of Maryland stood out for years above all others, that of uniformity and equalization. There was great confusion in rates and methods in the various counties. By 1910 this defect was realized and a uniform system of taxation as well as a new assessment urged by the governor and county commissioners. The need of some central board to supervise and review assessments and to secure uniformity in taxes was greatly felt. Although the state law definitely fixed the time for the payment of taxes, in practice, the local laws controlled collection by fixing the time for payment of local taxes, permitting great variation. The charge for collecting state taxes exceeded that

#### **Inequalities and Injustices Before 1914**

<sup>5</sup>The collectors of Garrett, Talbot, Montgomery, and Washington Counties are exempted from approval by the governor.



for collecting local, although the amount was greatly in favor of the local taxes. In some counties the local collectors advanced the amount which they estimated it possible to collect and kept the amount of the discount. In some counties great laxity in remitting back taxes existed. There were great discrepancies between the counties and great injustices, especially toward Baltimore City as compared with the counties. While Baltimore City showed a steadily increasing valuation, the assessments of Talbot County were less in 1911 than in 1888, in Frederick County less than in 1878, although property had increased greatly in value; some properties in different parts of the state were in 1913 assessed as low as 20% of their market value; many cities and towns assessed their property for local taxes at a fairer valuation than they did the same property for state and county taxes; and in 1912 all except five counties and Baltimore City received from the state more money for schools than they paid to the state for schools, roads, and state debt combined. The most glaring inequality was the ratio of assessment set by the county to the true value of property.

#### **c. State Tax Commission**

These glaring injustices have now been partially corrected by the creation in 1914 of the State Tax Commission, the members of which are appointed for terms of six years by the governor, although one member retires every second year. No more than two may be of the same political faith. Appeal lies to the Commission from all assessments by the county commissioners or by the Appeal Tax Court of Baltimore, and its decision on matters of assessment is final, as there is appeal from the Commission only on points of law.

#### **Powers**

Besides the right to bring about general equalization, the commission has power to establish forms of schedules, notices, and also of assessment and collection books; to establish a uniform system of accounts; to require that all property in the state be reviewed for reassessment at least once in five years; and to confer with other state officials and with the taxing authorities

of other states with a view to bringing about a uniform system of taxation. It appoints a supervisor of assessments for each county and for Baltimore City from a list of five residents of each county, named by the county commissioners, or by the mayor of Baltimore, whose function it is to inform the commission of assessments compared with valuations, and to report all transfers of property.

Money which comes into the treasury can be paid out again in only one way—by the legislature, in which is vested the power to make appropriations. Our appropriations for the support of the government are made biennially.

In the matter of handling its appropriations, Maryland set a standard for the other states by its budget rule which was incorporated in a constitutional amendment and accepted by the people November, 1916. Entire responsibility for the budget is imposed upon the governor, who within 20 days after the convening of the Assembly, except in the case of a newly elected governor and then within 30 days after inauguration, must submit two budgets for each of the next two ensuing years, accompanied by a bill for the proposed appropriations. Each budget must contain two complete estimates of proposed revenues and expenditures for the year to which it relates. The governor may, with the consent of the Assembly, before final action is taken, amend or supplement either of the budgets to correct an oversight or meet an emergency. In order to arrive at his estimates the various administrative departments, legislative departments, and all institutions applying for state money, send their estimates of the money needed for the work of their respective departments and any other information called for. He may provide for public hearings and may require the attendance of representatives of all agencies and of all institutions applying for state money. He may revise all estimates after such hearings except those for the legislative and judiciary departments and for the public schools. Then the

## **II. Expenditures**

### **1. Maryland Budget System**

whole budget is laid before the legislature for its consideration.

The great merits of the plan lie in the fact that the Assembly may only strike out or reduce the items, except those relating to the Assembly or the judiciary, which it may increase as well as decrease, and that it may pass additional appropriations only by a separate supplementary bill, limited to a single subject, which must provide in that same bill for a tax to supply the necessary revenue, which bill is subject to the governor's veto and may be acted upon only after the budget bill has been disposed of.

The serious weakness of the Maryland system, according to two authorities,<sup>6</sup> are the lack of procedure for full legislative consideration and debate, and the lack of control by the governor over some administrative departments, which does not leave him free in making budget recommendations, as well as the excessive number of agencies, which preclude close estimate of expenditures. The former is inherent, as the consideration of the budget is done by two legislative committees, which may refuse to co-operate because of political antagonism. Furthermore, a budget which allows only reduction, when most legislators seem to be interested in additions and increases, may not be likely to promote lively debate. The second objection can and will probably be met by a reconstruction and centralization of the administrative agencies.

## 2. Types of Budgets

There are three different types of budgets. First, there is the legislative budget, under which the estimates of revenue and expenditure are sent by the various executive departments to some committee of the legislature, usually that on Ways and Means, where the items are scrutinized, altered, and embodied in one large appropriation bill, and reported to the House for the regular procedure of a bill. In about a half dozen states, the joint budget system is in vogue, so called because a

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<sup>6</sup>F. A. Cleveland and A. E. Buck, *The Budget and Responsible Government*, pp. 315-316.

board, made up of certain administrative officials, sometimes including the governor, together with the chairmen of the two appropriation committees of the legislature, frames the budget. The principle is that both the executive and legislative branches should be represented in order that the bill may be broader, more accurate, and more acceptable to all branches. While this plan sounds logical and ideal theoretically, in practice it has worked less well than the executive budget, where the governor alone prepares the tentative budget, such as we have in Maryland. There has been much discussion of the relative merits of these three plans. The tendency seems to be toward vesting the power in the governor alone in order to insure concentration of responsibility and seems in the long run to offer the best hope of keeping expenditures within reasonable bounds.

One other office belongs to the general department of Finance—the recently created Central Purchasing Bureau. It consists of a very large body in order to bring into contact with the Central Purchasing Agent those officials most vitally concerned in supplies: The governor, who acts as chairman; the secretary of state, comptroller, treasurer, chairman of the State Board of Health, State superintendent of Education, president of the State Agricultural College, and the superintendent or manager of each of the following institutions: Crownsville Hospital, Eastern Shore State Hospital, Rosewood State Training School, Spring Grove State Hospital, Springfield State Hospital, Maryland Tuberculosis Sanatorium, Maryland School for the Deaf, Maryland Industrial Training School for Girls, and Maryland Training School for Boys. The governor, as chairman, appoints a secretary who is also the purchasing agent to secure all materials, supplies, and articles for the use of state offices and institutions. At present, there is much criticism of the bureau as a less economical method of purchasing than the old way, but time must be allowed a new agency to get into working order before the principle is condemned.

### **3. Central Purchasing Bureau**



### III. State Debt

Revenues are often not sufficient and so the state must borrow money. Unless a state is extravagant or poverty-stricken in resources, it should not be necessary to incur a floating debt, that is—one to pay the running expenses of government. But often an emergency, as necessity for defense in time of war, or a pressing need for public works, as highways or asylums, produces a sudden demand for funds which could not be raised by taxation in a single year. It is only just that this expense should be spread out over a number of years, distributing the burden of defense or the cost of the improvements between the immediate and remote beneficiaries—among all those who will benefit from it. This debt is usually known as the bonded or funded debt, as the state issues bonds to its debtors, which are an agreement to repay the debt at a given date in from ten to fifteen years, meanwhile meeting the annual interest on the loan. For our debts we provide a sinking fund, unless serial bonds are issued, into which is paid every year out of current income a sum sufficient to redeem the bonds when they mature.

But the best method of paying a debt is to serialize the dates on which the bonds mature in such a way that one or more bonds will come due for payment each year. This method obviates, of course, all need for a sinking fund. A definite proportion of the debt is regularly met each year by using from current revenues what would otherwise have to go into the sinking fund. There is thus no long holding over and investing of funds with attendant danger of loss from poor investments or from dishonesty of officials. Maryland has been using the serial bond system for a number of years.

### Regula- tions for and Limita- tions on the Debt

The constitution provides that no debt shall be contracted unless the law authorizing it also provides for a tax sufficient to pay the interest and principal in fifteen years, the tax laid for the purpose not to be repealed or used for any other purpose until the debt has been paid. But the legislature may incur an unlimited debt for defense, and may borrow as much as \$50,000 to meet de-



ficiencies without levying a special tax. Credit may not be given or loaned to any person or corporation, nor may works of internal improvement, such as roads or canals, be added or undertaken by state credit. As no state money had been spent on southern Maryland in the frenzied days of internal improvement following 1820, an exception was made in favor of St. Mary's, Charles, and Calvert Counties, in which counties altogether \$500,000 may be spent by the General Assembly.<sup>7</sup>

From about 1820 to 1860 Maryland was very active in promoting and lending state aid to private enterprises; about the middle of the century it was eager to dispose of such interests so that by the end of the first decade of this century most of the state's interests in private enterprises had been sold. But beginning with the new century a new era of improvements began with direct action by the state. This action has necessitated state loans again, largely for schools, roads, hospitals, penitentiaries, and sanatoriums. The amount of the funded debt on September 30th, 1920, the last date available, was \$18,343,876.11. In estimating the burden which a debt imposes, it is usual to express it in terms of so much per capita. On this basis, the debt in this state is less than \$13 per capita, not excessive for a state with the natural wealth of Maryland.

Amount of  
State Debt

### Bibliography.

A. E. Buck, *Operation of the Maryland Budget*, American Political Science Review, vol. XII, pp. 514-521, August, 1918.

F. A. Cleveland and A. E. Buck, *The Budget and Responsible Government*, pp. 303-316, Macmillan Co., N. Y., 1920.

H. E. Flack (Compiled by), *Maryland Budget Amendment*, King Bros, Baltimore, 1917.

H. E. Flack (Compiled by), *Summary of the Tax and Revenue Laws Affecting Individuals and Corporations in*

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<sup>7</sup>Const., art. III, sec. 34.

*Maryland*, published by the Fidelity Trust Company, July, 1920.

The reports of the Auditor, Comptroller, and State Tax Commission, and the Governors' Budgets throw light on this subject.

**The Taxes which an Individual is likely to be called upon to pay**  
(Only the ordinary taxes and those in effect 1920.)

**I. To the United States.**

1. Income tax.
2. On Transportations.
  - a. 8% on all railroad tickets.
  - b. 8% on a berth in a Pullman.
  - c. 3% on freight.
  - d. 1c per 20c on express.
3. Admission to theaters and all places of recreation 1c per 10c of charge.
4. Telegrams—\$.05 up to \$.50 and \$.10 above \$.50.
5. Soft drinks—1c per 10c of cost.
6. Excises.
  - a. Automobiles—5% of purchase price.
  - a. Pleasure boats—varies according to the size.
  - b. Cameras (small)—10% of purchase price.
  - c. Candy—5% of purchase price.
  - d. Firearms—10% of purchase price.
7. Stamp taxes on stocks, deeds, drafts, or checks not payable at sight—2c.

**II. State Taxes.**

1. Real and personal—35 1/3 cents per \$100 of assessed valuation of property (1921).
  - a. Personal property.
    - (1). Tangible property.

Exempt: Household furniture to \$500, raw materials, tools, farm implements to \$300, apparel except costly jewelry. Tools, implements and machinery in Baltimore, and Anne Arundel, Baltimore, Carroll, Howard, and Prince George's Counties.
    - (2). Intangible property.

15c per \$100 valuation plus 30c for local purposes equals 45c per \$100 valuation.  
(Bonds of corporations of Maryland or of any other place owned by Marylanders pay at above rate.)
2. Inheritance taxes.
  - a. 5% on all estates passing to persons except father, mother, wife, husband, or lineal descendant. On no estate less than \$500.
  - b. If property is inherited in another state, heir will probably have to pay in that state.

**III. Baltimore City.**

1. Licenses for conducting business, moving picture houses, ball-rooms, dogs, etc.
2. Water Rates.
  - a. Based on frontage of dwellings—Normal size 15 feet, \$7.50 per year.
3. Special Paving Tax.
  - a. Streets 30 feet wide and over, 15c per lineal foot of street frontage per year.
  - b. Streets 15 to 30 feet wide, 10c per lineal foot.
  - c. Alleys 15 feet or less, 5c per lineal foot.

4. Building permits.
  - a. For constructing or repairing building, \$1 per \$1,000 of cost, but minimum of \$1 for alterations; \$10 for new structure.
5. Property tax.  
Full city rate—\$2.97 per \$100 of assessed value of property.

#### IV. County Tax Rate.

Varies from Washington \$1 per \$100 of valuation to \$2.51 in Kent.

	1920
Allegany .....	\$1.42
Anne Arundel .....	1.52
Baltimore .....	1.13
Calvert .....	1.74
Caroline .....	1.49
Carroll .....	1.25
Cecil .....	1.70
Charles .....	1.63
Dorchester .....	1.63
Frederick .....	1.78
Garrett .....	1.66
Harford .....	1.80
Howard .....	1.25
Kent .....	2.51
Montgomery .....	1.19
Prince George's .....	1.34
Queen Anne's .....	1.62
St. Mary's .....	1.25
Somerset .....	1.95
Talbot .....	1.55
Washington .....	1.00
Wicomico .....	1.63
Worcester .....	1.50
Baltimore City .....	2.97 <sup>1</sup>

#### V. Town Tax Rates.

Varies through the incorporated towns from 15c to \$1.50 in 1919.

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<sup>1</sup>In addition to regular county rate as given in the table, special taxes were levied in some counties. The above table is taken from the *Summary of the Tax and Revenue Laws Affecting Individuals and Corporations in Maryland*, compiled by Dr. Flack.

## Chapter X.

### THE EDUCATIONAL SYSTEM.

The state realizes that if our democracy is to last and improve, its citizens must be intelligent. Maryland cannot be proud of the fact that the recent census shows 64,434 illiterate persons (unable to write) 10 years of age and over in the state, of which number 13,884 are native whites of native parentage, while the number of illiterate negroes is 35,404. In the total population over 10 years of age the percentage of illiteracy is 5.6, but 7.4 for the rural districts. It is small comfort that there has been a slight improvement since 1910. Proper education is fundamental to good citizenship, to the progress of communities, and to the state as a whole. It goes to the very roots of state welfare and into nearly all the homes. Hence, we are willing to pay taxes to educate our future citizens and voters. We have long ago accepted in part the principle that the wealth of the whole state should educate the children of the whole state regardless of where that wealth is located and where the children have their homes.

The law of 1916, under which the system is now being administered, is unquestionably the best school law which has so far been produced in the United States, since appointment solely by the governor without regard to the appointee's party politics removes the system from politics and fixes responsibility. The state department is, furthermore, kept in close touch with the counties by the requirement that the state superintendent must approve all county superintendents, supervisors, attendance officers, and teachers of special subjects. There is state certification of teachers, fixing of minimum salaries, and centralization of the physical aspects, as all plans for buildings



and repairs above a negligible sum must be approved by the state superintendent. Finally, the law provides for primary supervision for rural schools.

The educational system of Maryland outside of Baltimore, which is organized independently of the state, is organized with three different boards: (1) the State Board of Education with general care and supervision over the entire state; (2) the County Board of Education with jurisdiction over the counties; (3) Boards of district school trustees with supervision over district matters.

#### 1. State Board of Education

The governor appoints each year from among the citizens of the state one member who after 1922 will serve for a term of seven years, thus constituting a State Board of Education of seven members.<sup>1</sup> Members are to be selected solely because of their character and fitness and no person is to be appointed who is subject to the Board.<sup>2</sup> But any member is eligible for reappointment. The governor naturally fills vacancies and may remove members for immorality, misconduct, incompetency, or wilful neglect of duty after an opportunity for a hearing has been afforded with at least ten days' notice. The Board draws no salary, but is allowed expenses and clerk hire.

#### Duties

It holds an annual meeting in late May when it elects a president and vice-president; three other regular meetings a year; and such special meetings as its business requires. Its duties, broadly stated, are to execute the school laws of the state and determine the policies of the state in matters of education, and to have general supervision over the public schools of the state. It is a legislative body, as it enacts by-laws for the system which have the effect of law. With the advice of the state superintendent, the board prescribes the rules for the proper

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<sup>1</sup>Laws of 1916, chap. 506, Code of 1912, Article 77, ch. 2, sec. 5. The laws will be referred to in this chapter, usually by article and section in the code, as all laws up to and including those of 1918 have been codified.

<sup>2</sup>The governor and state superintendent of education ceased in 1918 to be members.

construction of school buildings; fixes the minimum requirements for certificates, diplomas, and degrees; prescribes the form for all reports; transmits to the governor, as certified by the state superintendent, the state school budget; recommends to the Assembly in the form of bills such changes or additional legislation as it cares to recommend; and investigates the educational needs of the state.

The State Board appoints as the executive officer of the Board, a state superintendent for a term of four years to serve also as secretary and treasurer of the Board.<sup>3</sup> He must be a graduate of a standard college, have had two years of special academic and professional graduate preparation in a standard university, and not less than seven years' experience in teaching and administration. He is removable by the Board for the offenses enumerated above for members of the Board after a hearing following ten days. His salary is fixed by the Board (\$8,000 at present) with necessary traveling expenses defrayed by the state.

**State  
Superin-  
tendent**

He is charged with the duty of enforcing the school law and by-laws of the State Board;<sup>4</sup> he interprets the school law, acting in all disputes with regard to the administration of the school system for the State Board; he executes the policies of the Board, conducts conferences of school officials and teachers; certifies all teachers under the regulations already passed by the Board with his advice; passes on proposals for the sale of school sites and buildings and plans for the construction of new buildings; directs the taking of the biennial school census;<sup>5</sup> prepares the courses of study for all grades for submission to the Board; he examines all reports required by the State Board and investigates the accounts of the county boards; he prepares the annual

**Duties**

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<sup>3</sup>As treasurer he must furnish bond to the board in the sum of \$10,000, and receive and disburse all money to which the board is entitled. Ibid., sec. 10.

<sup>4</sup>He may withhold part of the funds from county boards for failure to comply with the law.

<sup>5</sup>He may cause the retaking of the census of any county at any time, if he feels that it was not properly taken.

and other reports of the Board; and is authorized to furnish pictorial or graphic material for instruction in geography, history, science and kindred subjects. He has general supervision of all the professional and clerical assistants of his departments, all of whom he recommends to the Board for appointment or dismissal.<sup>6</sup> He attends all meetings of the Board and of its committees, except when his own tenure, salary, or the administration of his office are being considered; and has the right to advise but without vote.

## **2. County School Board**

In seven of the larger counties<sup>7</sup> the county boards of education consist of six members, in all the rest of three members. All are appointed by the governor for a term of six years, the terms so arranged as to permit of the entry of a new member each alternate year, or, in the larger counties every year. The governor fills vacancies for the unexpired term and a member is eligible for reappointment. Members are selected solely for character and fitness, but no one subject to the board may serve. The state superintendent may, with the approval of the governor, remove any member of a board for the usual offenses, of lack of character or ability after opportunity is afforded for a hearing. Although the position carries no salary, \$100.00 a year is allowed each member for expenses.

## **Duties**

The board is required to maintain a uniform and effective system throughout the county; to hold in trust all gifts or bequests; to consult and advise through its executive officer with the boards of the school districts, principals, teachers, and interested citizens; to hold an annual meeting each year in May when it elects its officers and another regular meeting at least once each school term, and special meetings at need; it must divide the county into school districts and maintain schools as

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<sup>6</sup>He is allowed by law the following assistants: An assistant superintendent, a supervisor of high schools for state-aided high schools, a supervisor of rural schools, a white supervisor of colored schools, and others as authorized by the Board. Ibid., section 21A. For his duties in full see secs. 18-21D.

<sup>7</sup>Those counties are: Baltimore, Carroll, Dorchester, Frederick, Montgomery, Somerset, and Washington.

needed in each district; it must standardize all county schools on the written recommendation of the county superintendent; it must consolidate schools whenever practicable, providing transportation for the pupils to and from the schools; and must appoint and dismiss on the written recommendation of the county superintendent all teachers for insubordination, incompetency, or wilful neglect of duty after due opportunity for a hearing. If the board is not unanimous in its decision, an appeal lies to the state superintendent. It prepares annually, with the county superintendent, a detailed school budget, showing the amount to be raised by local taxation, which is submitted to the county commissioners and to the state superintendent, whereupon the sum becomes mandatory upon the commissioners.<sup>8</sup> Finally, the board distributes to its citizens an annual report to familiarize the public with the needs and conditions of the county schools.<sup>9</sup>

The county board of education with the written approval of the state superintendent elects a county superintendent for a period of four years who also serves as secretary and treasurer to the county board.<sup>10</sup> He attends meetings of the board, except when questions relating to him personally are discussed, and has the right to advise but no vote. He keeps the minutes, conducts the correspondence, prepares reports, and files all papers relating to the business of the board. The approval of the state superintendent will be withheld if the appointee fails to meet the qualifications required by law: graduation from a standard college or university, including courses in public school administration, supervision, and methods of teaching or the equivalent, and two years' experience as a teacher. His salary is fixed by law at not less than \$1,800 and traveling expenses; the state paying one-half of the salary, between \$1,800 and \$3,000,

**County  
Superin-  
tendent**

<sup>8</sup>The tax shall not be less than 34c nor more than 40c on \$100 assessable property without the consent of the commissioners.

<sup>9</sup>For the law with regard to county boards, see Code 1912, art. 77, ch. 4, secs. 22-29.

<sup>10</sup>*Ibid.*, sec. 25. As such he deposits the funds and secures interest on the daily balances.



though the county board is not restricted to the minimum amount. The state superintendent may remove a county superintendent for the usual causes and under the usual conditions, but the county board fills vacancies for the full term of four years.

#### Duties

The rapid changes in rural life have made the office an important instructional as well as clerical and financial post. Upon him devolves the general supervision and control of all the rural schools in his county. He sees that the school laws and policies of the State Board are executed; interprets the laws; recommends the purchase of grounds, sites, buildings, and the employment of architect; prepares plans and approves all contracts made by the county board; is the representative of the state superintendent in teachers' examinations with power to issue provisional certificates at need; recommends all teachers to the county board for appointment, promotion, or dismissal; assigns, suspends, and transfers them; organizes and attends county and local institutes and reading centers; visits each teacher at least once a year;<sup>11</sup> prepares courses of study subject to the rules of the State Board and prepares lists of books, supplies, and equipment for use in the schools; and is responsible for the administration of his office. He is required to secure the appointment of one primary supervisor in each county employing one hundred teachers, and one attendance officer in each county for whose appointment the written approval of the state superintendent is necessary. The state pays half the salary of each of these officials up to \$2,000 and \$1,200, respectively. Finally the superintendent must assume the initiative in regard to compiling the budget and the school census. He is authorized to grant the use of the school plant for certain purposes.<sup>12</sup>

<sup>11</sup>The law requires that he spend at least 90 days of each year in visiting the schools of his county. *Ibid.*, 72G, By-law 19.

<sup>12</sup>The law recognizes the desirability of having school houses serve a broad field of usefulness for civic welfare and so specifically authorizes its use, naming but not restricting it to farmers' meetings, public speakings, lectures, entertainments, church festivals, Red Cross meetings, Y. M. C. A. meetings. The board of district trustees are required to open the building upon request of 25 citizens for non-partisan gatherings. *Ibid.*, ch. 5, secs. 32-4.



In each district of each county is a board of three trustees, appointed from the district by the county board of education for a term of three years, one retiring each year. They are removable for the usual causes and under the usual conditions. Vacancies are filled by the county boards of education for the unexpired term and until a successor shall qualify, members being eligible for re-appointment. When competent persons cannot be found, the duties devolve on the county board. It organizes itself at its annual May meeting by the selection of a chairman, and holds at least one other meeting each term, though special meetings are possible at need. The principal teacher of the school district acts as secretary for the board, attends all except executive meetings, has the right, with the assent of a majority of the board, to speak on all questions but no right of vote;<sup>13</sup> he prepares for adoption all reports required by the county board of education; and keeps all records, minutes, and accounts, and conducts the correspondence of the board.

Duties

The trustees may, by unanimous vote, refuse to accept the assignment of a teacher to any school within its jurisdiction by the county superintendent, but no superintendent is required to name more than three persons for any one position; and they give consent to the dismissal of pupils, or the closing of the school upon the request of the principal or teacher.<sup>14</sup> The board has the responsibility of all school property, and must attend to repairs subject to the approval of the county superintendent and county board; they shall visit the schools, advise the teachers on matters of discipline and seek in every way to develop public sentiment in support of the schools. In case of dissatisfaction with a teacher, they may file with the county board written charges and request her removal. They are required to attend the annual public exhibition of school work, assist in determin-

<sup>13</sup>Any teacher may appear before the board and speak on any question except in an executive session. Ibid., sec. 31.

<sup>14</sup>In cases of emergency the teacher may, of course, close the school. The county superintendent and county board share the power to close the school with the district trustees.

ing the comparative merits of the exhibit, and award the prizes.

## Teachers

Every person employed as superintendent, supervisor, principal, or teacher, must hold a certificate issued by the state superintendent for the grade required, though any county may set a higher standard than that required by the state. The examination and certification of teachers is a state function, and all examinations for teachers' certificates must be on uniform questions prepared and sent out by the state superintendent,<sup>15</sup> and the papers must be graded by his staff. County superintendents must render such assistance in conducting examinations as may be required. The conditions under which certificates are issued on credentials and diplomas are determined by the state superintendent, subject to the rules of the Board. Diplomas from reputable colleges rank as first grade certificates for elementary or high school teaching, and exempt the holder from examination, if a required number of hours (200) have been devoted to courses in the Department of Education.<sup>16</sup>

The county board may, on recommendation of the county superintendent, suspend any teacher, principal, supervisor, or assistant for immorality, dishonesty, insubordination, incompetency, or wilful neglect after due

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<sup>15</sup>This expression must be interpreted here and elsewhere in respect to his duties as meaning in person or through an assistant.

<sup>16</sup>Code, ch. 8, sec. 55.

The following different kinds of certificates are granted:

- (1) A certificate in administration and supervision.
- (2) In elementary school supervision.
- (3) In special supervision, such as physical training, music, fine and applied arts, domestic art and science, manual or industrial training, and agriculture.
- (4) A certificate for high school principal.
- (5) A certificate for high school teacher.
- (6) A certificate for high school teacher in special branches, music, manual training, etc.
- (7) For elementary school principal.
- (8) For elementary school teacher of the first grade.
- (9) For elementary school teacher of the second grade. (Requires examination.)
- (10) For elementary school teacher of the third grade. (Requires examination.)
- (11) Provisional certificate to be issued in case of emergency.

opportunity for a hearing, and recommend to the state superintendent revocation of her certificate. No provisional certificate may be issued when it is possible to secure a person with a regular certificate. The certificates, when issued, are of the second-class, but it becomes the duty of the county superintendent to classify the certificates of all teachers at least once in two years on the basis of scholarship, executive ability, personality, and teaching power.

Under the recent laws prescribing a minimum below which county boards may not go in offering salaries to teachers, they range from \$600 to \$950 for elementary schools,<sup>17</sup> mounting in each scale as one passes from group to group, according to the certificate held and the length of service.

An act of 1902 and subsequent acts, culminating in that of 1920, established a system of teachers' pensions, by which a person who has taught 25 years but is unable to continue longer, who has reached the age of 60 years, whose record as teacher has been without reproach, and who is without other means of support, may receive a pension from the state of \$400 a year upon recommendation of the county board and state superintendent.<sup>18</sup>

**Pensions**

The legislature in the session of 1920 made provision for a Teachers' Retirement Association, to which all public school teachers of the state are eligible upon approval of a majority of the Association Board. The administration of the system is vested in a board consisting of the state superintendent, the state treasurer, insurance commissioner, and three members of the Association elected from among their number for a period of three years. Members are reimbursed for necessary expenses. An annuity fund is created by the payment by each mem-

**Teachers'  
Annuities**

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<sup>17</sup>Except teachers working on a provisional certificate who must receive \$100 less than fully qualified teachers, and teachers in colored schools whose minimum ranges from \$40 to \$65 in the elementary schools.

<sup>18</sup>The age limit may be departed from in extraordinary cases. The \$200 pension is still in effect because the legislature did not make a sufficient appropriation to render the \$400 pension available. The department is asking for \$400 for its new budget.

ber of such percentage of his salary as may be determined by the Board, not to exceed 5%, though it shall not exceed in any year \$24 nor be more than \$100; and by appropriations by the General Assembly of a sum equal to at least one-half of the members' contributions, though the state shall not be called upon for more than \$50 any year for one member. Any teacher after 30 years of service, twenty of which, including the last five, must have been in Maryland, may retire after reaching the age of 62, and at any time thereafter may be retired with the approval of the Retirement Board with such annuity as he is entitled to.<sup>19</sup> This annuity plan was handled rather hastily and will probably have to be amended. Both the pension and annuity plans should not be operated at the same time.

**Pupils  
and  
Attendance**

The elementary schools are required to be open for not less than 180 actual days of 6 hours each for ten months in each year, if possible, to all white youths between 6 and 20 years of age. The usual fundamental subjects are prescribed by law, but also a study of the nature and effects upon the human system of alcoholic drinks and narcotics. An additional teacher may be employed for each school enrolling more than 40 pupils, while a school enrolling less than 12 pupils in average daily attendance may be closed by the county board and transportation to another school provided. An annual public exhibition of school work is required to be held in each school once a year, as is an athletic, field, and school rally by each county board, unless the State Board excuses a school.

**Compulsory  
Attendance**

All youths between the ages of 6 and 21 are privileged to attend the public schools of the state,<sup>20</sup> upon

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<sup>19</sup>A provision is made for retirement on an annuity of less amount than the member would normally be entitled to, for a teacher permanently disabled after 6 years of service. Assessments are exempt from taxation. Laws of 1920, ch. 509.

<sup>20</sup>The district board of school trustees has power, of course, to suspend and expel pupils for cause, with right of appeal to the county superintendent reserved. Corporal punishment is allowed in the state, only by the principal, and as a last resort, with the alternative of temporary suspension by the principal.—By-law 36.



presentation of a vaccination certificate, while attendance is compulsory for all normal youths, unless instructed elsewhere, in Baltimore City between 8 and 14, and even for youths 14 and 15 years of age unless regularly employed, or for youths who have not completed the work of the fifth grade; it is compulsory for children in the counties between 7 and 12 years of age during the entire year, and for children of 13 and 14 years for 100 consecutive days each year if employed, but for the entire school year if not employed, or unless they have completed the elementary school course; while youths of 15 and 16 years who have not completed the work of the elementary school may be required to attend 100 days of each year, or the entire period, if he is not lawfully employed. As 13 year old children cannot be lawfully employed, in practice this amounts to requiring school attendance through the 14th year. Duly appointed attendance officers enforce the attendance law, and for habitual truants of 8 to 16 years of age the penalty is commitment by a judge or magistrate to a parental school.<sup>21</sup> This is by far the most unpopular part of the entire new law and the department has its hands full in enforcing it.

Since 1914 Maryland has had provision for the medical inspection of school children. The county boards may appoint one or more experienced physicians to examine every child at least once in two years for defective sight, hearing, or other physical disability which might prevent the child from receiving the full benefit of his instruction, while special classes may be established for defective children. Visiting nurses may also be employed to aid in the work. Teachers must furnish health certificates from registered physicians.<sup>22</sup>

#### Medical Inspection

Text books and school supplies have been furnished to the pupils at state expense since 1896, though the school commissioners are free to spend a larger amount for this purpose than that received from the state.

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<sup>21</sup>No parental schools have as yet been established in the counties, as the cost is prohibitive.

<sup>22</sup>The State Board provides instruction for normal students in testing sight and hearing. Laws of 1914, ch. 165, sec. 10.



### **Special Training**

To keep in step with modern progress provision is made for some required training in physical education under a supervisor in every school every day and of directed play at least once a week. In 1918 Maryland accepted the appropriation of the United States for the promotion of vocational education in agriculture and in the trades and industries, charging the State Board with responsibility for carrying the act into effect.

### **Education of Deaf, Dumb, and Blind**

Every deaf or blind child between 6 and 18 years of age is required to attend a school for those afflicted like themselves for 8 months of each year, unless instructed elsewhere, and unless debarred for reasons of health. Transportation to the school for the Deaf and Dumb at Frederick or for the blind at Overlea, practically a state institution so far as its finances are concerned, is paid by the state, if the parents or guardians are unable to pay. It is made the duty of all principals and attendance officers to report all deaf, blind, or feeble-minded children within their districts. Education of these special classes is comparatively new, the first state institution being established in 1867 for the deaf. In connection with the Maryland School for the Blind, but separate from it, there is a school for deaf, dumb, and blind colored children at Overlea. In all these institutions manual training and industrial education are made an important feature.

### **Colored Schools**

The county boards of education must establish at least one free public school in each election district for colored children between 6 and 20 years of age for not less than 140 actual school days, when the colored population is large enough to warrant it. Each colored school is under the direction of a district board of trustees, appointed by the county board of education under the same provisions which regulate the appointment of boards of trustees for white schools. High schools for colored pupils are entitled to state aid when open 140 days and approved by the State Board.

It is the duty of the county board of education in each county where a demand exists to provide a suitable building or room in one of the colored schools for a central colored industrial school where daily instruction is given in domestic science and in such industrial arts as may be determined by the county board. The state allows \$1,500 yearly for the support of each such school, one-half for the maintenance of the school, and one-half for the salary of a colored supervisor to visit all the colored schools of the county and to direct the industrial training in each. The state superintendent or an assistant inspects the school yearly, and gives a certificate of approval of the condition and plans for its conduct. But the full sum is appropriated only if there is maintained an average attendance of 30 pupils, and if there are 10 colored schools in the county.<sup>23</sup>

The county boards of education have authority to establish high schools, subject to the approval of the state superintendent of schools, in their respective counties. The state extends aid to such groups of high schools and junior high schools for the encouragement of secondary education. All state-aided high schools are arranged in three groups according to the number and average daily attendance of the pupils enrolled, the number of teachers employed, and number of years and quality of instruction given.<sup>24</sup> The regulations with regard to the size and arrangement of the building, its fitness for high-school work, the amount and character of equipment and supplies, the necessary library and laboratories, and the course of study, shall be drawn up by the State Board. State aid shall not be allowed unless the

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<sup>23</sup>Ibid., secs. 142-145. For less than 10 schools only \$750 may be appropriated. This part of the work for colored children would more logically come under secondary schools, but has been left here for the sake of coherence.

<sup>24</sup>The classification is as follows:

Group I. 40 pupils or more, with an average attendance of 30, 3 full teachers, and a 4-year course of 180 days.

Group II. 25 pupils, with an average attendance of 20, 2 full teachers, and a 3-year course of 180 days.

Group III. 15 pupils, with an average attendance of 12, 1 full teacher, and a 2-year course of 180 days.

department is adequately equipped and the instruction of a satisfactory quality. The state superintendent is required to inspect annually all high schools receiving or applying for state aid; he classifies them and indicates the amount of state aid to be received each year. The high schools receive state aid on the basis of the cost of instruction, so that the state makes a fixed contribution to the salary of each teacher, but the total amount is not to exceed \$3,000, except for the five high schools of Baltimore City, each of which receives \$3,500 annually.

#### **System in Baltimore City**

The organization of schools in Baltimore City is almost completely separated from the state organization. As early as 1884 the mayor and city council were given full power and authority to establish a system of free public schools, including one or more schools for manual or industrial training under such ordinances and rules as they deemed fit to enact. Under authority of the law, they delegate supervisory powers and control to a board of nine school commissioners, appointed by the mayor for six years with the confirmation of the Second Branch of the city council, one-third retiring each second year. They roughly approximate to the county boards of education, but, as has been noted, state aid is received and reports submitted to the State Board. Citizens who have resided for one year in Baltimore City and five in Maryland are eligible for appointment. The board of commissioners has power to examine, appoint, and remove the superintendent and his assistants, including the teachers, prescribe the qualifications, fix the salaries, subject to the approval of the Board of Estimates, and select text-books, though these may not be sectarian or partisan in character. The city government has power to collect taxes without limit set by state law on the assessable property for educational purposes.<sup>25</sup>

#### **Private Schools**

Since 1898 the Charlotte Hall School has received an appropriation from the state in return for which it

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<sup>25</sup>Ibid., secs. 121-124. Teachers are removed by the board only after the superintendent prefers charges and after a trial before the board is held.

must furnish 27 scholarships, including tuition, board, and room-rent; to St. Mary's Female Seminary goes an annual allowance in return for one three-year scholarship for each county and for the four legislative districts of Baltimore City filled by the county boards of education. Selections are non-competitive and the scholar must be worthy. But from time to time the legislature makes numerous haphazard appropriations to private schools.

The State Board of Education and the state superintendent of schools constitute the board of trustees of each of the normal schools maintained by the state; namely, those at Towson, Frostburg, and Bowie.<sup>26</sup> The board of trustees exercises general supervision of the expenditure of money appropriated by the General Assembly for buildings, repairs and upkeep, and has control and supervision of the management and work; it authorizes all departments of instruction, all positions, and fixes all salaries; it may dismiss any teacher for the regularly enumerated causes; it authorizes the courses of study; fixes the number of students to be admitted from each county; regulates the length of the session, though it may not be less than nine months; arranges the summer sessions, and formulates rules for the conduct of those schools. Finally, selecting from among those who meet certain professional requirements, the board appoints the principal for each school.

**Normal  
Schools**

The principal nominates all the teachers, submits to the board courses of study and plans of work, taking the initiative in working out the policies of the school, and in promoting its efficiency and development. The courses, to which only graduates of a four-year high school are admitted, must cover a two-year course of study to prepare teachers for the elementary schools. Tuition

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<sup>26</sup>The Colored Normal School is at Bowie. Colored teachers are also trained at Princess Anne's Academy in Somerset County, at Morgan College, in the Baltimore City Training College, and in the Colored High School in Baltimore. Maryland pays far better salaries to colored teachers than any other state which maintains separate schools for white and colored. Hence, Maryland readily gets teachers trained in other states.



and text-books are free to students who obligate themselves to teach in Maryland for two years; other qualified students may be admitted upon payment of a uniform fee determined by the board of trustees. *All* students in the state normal schools are now scholarship students. The state law of 1920 providing maintenance scholarships indicates a very progressive attitude in the state. Students in the normal schools pay only \$100 a year for room, board, and laundry, the state assuming the financial responsibility for the remaining maintenance expenses. One-fourth of the counties of the state are sending graduates of high schools of the first group on county scholarships for the full course, thus assuming for the holders of such a scholarship the entire support.<sup>27</sup>

The county board of education of any county may, with the approval of the state superintendent, inaugurate in an approved high school of the first group a two years' teachers training course prescribed by the state board for students who have completed successfully the tenth grade, and who wish to prepare themselves for teaching, but the plan did not prove successful in the two counties which have tried it, Montgomery and Wicomico.

#### Higher Education

There are seven colleges regularly receiving aid from the state: the University of Maryland, the Johns Hopkins University, Blue Ridge College, St. John's College, Washington College, Western Maryland College, and Morgan College.<sup>28</sup> The appropriation in each case, except Morgan College, is made conditional upon the institution furnishing a given number of scholarships, some including board and room, others tuition only, which are filled by the county or district school boards by means of competitive examinations. A number are apportioned among the senatorial districts, or election districts, assigned after competitive examination. The number of scholarships stipulated ranges from 129 required of the Johns Hopkins University to 27, one for

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<sup>27</sup>Maryland School bulletin, volume II. no. 2, p. 18.

<sup>28</sup>For 1921 the state has appropriated the sum of \$186,000 for higher education in grants to the above institutions.



each senatorial district, asked of St. John's College and Western Maryland.

The first-named institution is the only one which is really a state college, as over it the state exercises control. This institution and the State Agricultural College have been merged since July 1, 1920, under the Board of Regents of the University. The Agricultural College was established in Prince George's County in 1856. Its income is largely derived from the grant of land made for that purpose to Maryland by the national government in 1862. In 1888 the United States again made a further grant for the establishment of an agricultural experiment station in each state and Maryland located hers at the college. According to the classification of the Federal Bureau of Education, only two of the seven Maryland colleges receiving state aid have the right to the name of college.<sup>29</sup>

In order to encourage libraries in the public schools, \$10 is allowed from the state school fund to each district, if the community raises a similar sum, with which the district board purchases books according to a list prepared by the state superintendent. The district board of school trustees is required to co-operate with the teacher in raising funds to purchase books.

#### Public Libraries

The jurisdiction of this commission extends to all but Baltimore County, excepted at the request of the Senator from the County, the exclusion being based presumably on the invalid assumption that the nearness of Baltimore City renders library facilities of its own quite unnecessary. The governor appoints every two years four persons, two necessarily women, who, together with the state librarian, the state superintendent of schools, and the librarian of the Enoch Pratt Library, constitute the commission. Members serve without pay, but have their traveling expenses to attend meetings paid. The

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<sup>29</sup>It will not be forgotten, of course, that there are other prominent institutions for higher education, such as Goucher College, ranking in the first class of colleges in the country, Loyola College, and Hood College, among others, but since they are not supported in any way by the state, they cannot be considered in this study.

duties of this commission are first, to advise persons in charge of public libraries and school librarians in the selection of books, in cataloging, and in the details of management; and, secondly, to conduct a system of traveling libraries throughout the state. The sum of \$1,500 is allowed each year for the work, with which to establish free libraries, but with a restriction of \$100 to a single library.

**State  
Library**

There has been a state library at Annapolis since 1827. The librarian, appointed by the governor with the consent of the Senate, for the governor's term, awards contracts for the binding of all the laws, journals, and documents of the General Assembly, and distributes them to certain officers and libraries of this and of other states; is responsible for all volumes received in the library, including state documents, before payment is made for the same to the state printer. The Court of Appeals appoints a library committee of five whose functions are to make rules for the management of the library and to purchase books, maps, and periodicals for the library. The library is located in the building of the Court of Appeals at Annapolis. It has on its shelves not only an extensive collection of law books, but a large number of exceptionally valuable reference volumes, many of which are now out of print.<sup>30</sup>

**Source and  
Use of  
Income**

The general state fund is composed of all money appropriated by the General Assembly and of the receipts from any public school tax levied by the Assembly. All property conveyed to any county or district for education and all money invested in trust for the schools are exempt from taxes. From this fund, derived from a tax on all taxable property, one of the two taxes ever levied directly on property, are taken the annual appropriations for the support of the State Board of Education, of the state superintendent and his office, and of the normal schools; for retired teachers' pen-

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<sup>30</sup>The first woman ever to hold a state office in Maryland was the state librarian, appointed in 1826. Steiner, *Institutions and Civil Government of Maryland*, p. 184.

sions; for state aid to approved high schools; for state aid to colored industrial schools; for the state contribution to the salaries of county superintendents, supervisors, and truant officers; and for the purchase of books and school supplies. The remainder of the general fund is apportioned as follows: two-thirds on the basis of the number of children of school age (6-14) and one-third on the basis of the aggregate days of school attendance. This fund is declared by the constitution as inviolable and to be appropriated only to the purposes of education. There is also available in each county the county school tax.

In 1911 there was expended for education by the state, \$1,493,760; the appropriation in 1919 and 1920 was \$2,776,755,<sup>31</sup> which means that the amount had almost doubled in a decade. The state tax in 1920 was 36 3/72c on each \$100 of property, while the average local tax for current school expenses was about 65c on \$100.<sup>32</sup> A great deal of the money for the support of the school system is obtained from the state school tax. According to a federal survey of the state educational system, Maryland enjoys a rank of 34th in the ratio of amount spent for schools to wealth, as compared with other states, while being an average state in wealth. It is small wonder that she ranked thirty-first in illiteracy.

Certain needs and principles in the Maryland educational policy may be at least suggested:<sup>33</sup>

1. First and foremost must come improvement of the professional level of the teaching and supervising force by raising the present minimum salaries of teachers and county superintendents. Only one-third of the

**Needs in  
a Better  
System**

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<sup>31</sup>See *Maryland Public School Laws 1920*, a pamphlet issued by the State Board of Education, note, pp. 88-89.

<sup>32</sup>Baltimore City, Baltimore County, and Montgomery County, the three wealthiest units of the state, have a rate of 57 1/2c, 71c and 57c, respectively, while most of the poor counties greatly exceed the average rate of the entire state, 65c. Worcester, which ranks 20th in the scale of wealth, levies \$1, and Somerset, which ranks 23rd, levies 93 1/2c.

<sup>33</sup>Many of these suggestions emanate from the office of the state superintendent, though liberty has been taken in their arrangement. The financial aspect is not here emphasized in every case.

teachers in the elementary schools of the counties have had two years' professional training in addition to a high school education; while one-third has had only a common school education with little or no professional training. There is great discrepancy between the counties in the proportion of satisfactorily trained teachers, one teacher in five teaching on a provisional certificate, taking the state as a whole, while one county employs over half on provisional certificates. Teaching must be made sufficiently attractive so that vacancies may be filled as they occur.

2. School buildings must be put and kept in sanitary and comfortable condition; books and materials must be provided to insure an environment in which teacher and pupils may do their best work.

3. The funds should be provided by the state rather than by the counties, so that the wealthier portions may help the poorer bear a common burden. The principle that the states furnish half the amount required for current school expenses is coming to be accepted everywhere, but Maryland has not, during the past decade, met the counties half way.

4. A good principle for the distribution of funds is to apportion a given large sum on the basis of the census and average daily attendance, a fairer principle than to base it upon the number of children alone; and a smaller sum apportioned as an equalization fund to the poorer counties to enable them to raise their educational level to that of the wealthier. The sum could be fairly determined by the number of teachers, the amount of the necessary current expenses, and the taxable basis for local funds. This would enable the poorer counties to increase the proportion of teachers on higher grade certificates.

5. State aid for the 124 approved high schools of the state must be increased materially. Despite the increase since 1914 of 100% in enrollment, of 75% in number of schools, of 125% in number of teachers, state aid per pupil has increased barely 33%.

6. Increased funds for the normal schools is necessary to enable them to realize their highest usefulness. Enough teachers should be added to the staff of the normal schools to enable them to carry training out to the schools through extension courses.

7. The normal schools should serve as clearing houses for progressive ideas in education and as a unifying influence through the state by means of exhibits of school work held at the normal schools.

8. Above all, help should be given to colored industrial and normal education.

9. Better supervision of the work of teachers is a prime requisite. At present one supervisor is often expected to train and supervise 130 teachers, while one for every 40 teachers is more reasonable. It is suggested by the state superintendent that the state pay two-thirds of the salary for each supervisor.

10. Elimination of unsystematic state aid to private academies, as they often only duplicate the work of the public schools, would effect a saving which might be turned to the higher schools.

11. The standards of the institutions of higher learning could be raised by gradually withdrawing support from those which do not measure up to standards set by the regular educational officers of the state or, preferably, by a separate board, composed of educated independent men, free from politics.

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## Chapter XI.

### THE JUDICIARY.

#### Definition of Judiciary

The judiciary is the third of the three divisions into which government is usually divided. It is the power which applies our laws to individuals and society, and which interprets the meaning of our laws. "Every man for any injury done to him in his person or property ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily, without delay, according to the Law of the Land" is an expression of faith set forth in the Maryland Declaration of Rights.

#### Division of Judicial Power

Just as the executive and legislative power is divided between the United States and the states, so the judicial power is divided. The states gave to the central power exclusive control over admiralty cases, those affecting ambassadors, and those in which the United States or a state is a party. In certain other cases jurisdiction is divided, cases arising either in federal or state courts, such as suits to enforce a right arising under the constitution or laws of the United States or suits between citizens of different states involving more than \$3,000. But they reserved to themselves all the rest of the broad field of law: disputes over property, crime, marriage and divorce, inheritance, contracts, civil rights, banking, insurance and exchange.

#### Kinds of Jurisdiction

No court can try a case unless it has jurisdiction over it or legal authority to decide the case and that jurisdiction is assigned by law. A court has *original* jurisdiction when a suit is brought to it for first hearing; *concurrent* jurisdiction when a suit may be begun in either of two courts; and *appellate* jurisdiction when cases may

be appealed to it and heard from a lower court with power to review and correct the action of such inferior courts.

The courts have through the centuries come to use certain peculiar expressions and have given peculiar, technical meanings to common words so that a few definitions may not be out of place.

**Definition of  
Legal Terms**

This phrase means a regular and orderly administration of justice through the courts; in the famous words of Daniel Webster, "the process of law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial." A more modern definition requires that any legal procedure sanctioned by custom or by legislative power in furtherance of the general good be considered due process.

**Due Process**

This is an order issued by a court under its seal to the sheriff to compel a person to comply with the order. A writ ordering a person to appear in court is a summons.

**Writ**

A writ used to compel a witness to give his evidence in court is called a subpoena (under penalty) because of the threat of imprisonment if he disobeys the order.

**Subpoena**

Crime is an action done or neglected to be done which violates the law, for which the guilty person may be punished by and in the name of the state.

**Crime**

Felony is a crime of such gravity as to merit death or imprisonment.

**Felony**

Misdemeanor is any crime less than a felony.

**Misdemeanor**

Tort is a private wrong as opposed to a public wrong, such as a crime, for instance. It is an act or omission causing injury to one's person or property for which the law provides a remedy by civil procedure. Trespassing on the land of another, for instance, is a tort.

**Tort**

Habeas corpus (You may have the body) is a writ issued by a judge to a sheriff, commanding him to bring the prisoner before the court, whereupon the court

**Habeas  
Corpus**

orders the latter discharged unless there appears sufficient cause to hold him, or orders him returned to prison, or released on bail.<sup>1</sup> It may be applied for by the person detained, or by someone in his behalf, or by anyone who is responsible for his care, as a parent or guardian.

#### **Search Warrants**

When an officer desires to search private premises for a person or thing, he must first procure a warrant of authorization from the courts. In colonial days people had suffered from search warrants being issued on insufficient ground or in too general terms and so they are forbidden by the Declaration of Rights.

#### **Jury**

This institution, transplanted into the colonies from England, and perpetuated in our state governments as one of the most sacred of Anglo-Saxon inheritances, is a body of men selected from the neighborhood to sit in judgment as to the facts in a given case as determined by the evidence submitted. The duty of a jury is to determine the truth of the facts in dispute in a civil case, the guilt or innocence of the accused in a criminal case, though it also judges the law in Maryland.

#### **Grand Jury**

The grand jury is a body of twenty-three inhabitants<sup>2</sup> chosen in each county at every jury term of court, upon whom is laid the duty of investigating all wrongdoing that comes to their ears, through the state attorneys or otherwise. They may examine witnesses, but only for the prosecution, in secret session. No person can be tried for a felony unless the grand jury is satisfied of just grounds. The court appoints one member as foreman to present their conclusions in writing in one of two forms:

#### **Presentment**

This, a very rare step, is a presentation of an accusation of crime, made of the jury's own initiative, by virtue of which the prosecuting attorney afterward frames a bill of indictment.

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<sup>1</sup>The Maryland constitution forbids the suspension of this writ. Art. III, sec. 55.

<sup>2</sup>Theoretically twenty-four, though never in practice more than the number stated in the text.

In ordinary practice the jury acts only upon written accusations, called "bills of indictment," which are submitted by the prosecuting attorney. If sufficient ground appears for a trial, it is indorsed "true bill"; if rejected, it is indorsed "not a true bill" or "ignoramus" and the matter is ended.

#### Indictment

In all criminal cases and in civil cases, where the amount in controversy exceeds \$5, either party may demand a jury trial; but the parties concerned may agree to waive their jury right and allow the judge to decide both the law and the facts. This practice is growing. In Baltimore City cases are tried with a jury only if requested. The petit jury is composed of twelve competent men, disinterested, impartial, not related to or dependent on either party to the suit, and residents in the judicial district in which the case is being tried. They are drawn and selected by impartial officers free from bias for either party and are sworn to render a true verdict, according to the law and evidence. A distinctive feature of the old Anglo-Saxon law remains in Maryland—the verdict even in civil cases must be unanimous, a practice so indefensible in principle that several states have allowed verdict by a three-fourths or two-thirds vote.<sup>3</sup> In passing on the facts, judge and jury are bound by rules of evidence, some of which are both old and artificial, such for instance, as that no hearsay evidence may be admitted, though the sole witness to an important act may before his death have stated often that he saw the act done. This rule, sound enough in the infancy of legal practice, when illiterate jurors should not be muddled by any but the clearest evidence, is yielding to saner rules which are not a perversion of justice.

#### Petit Jury

Jurors in this state must meet three qualifications: sound mind, reasonable maturity, a minimum age limit of 25 years, and absence of interest in the case before the court. Certain classes are exempt: teachers, persons over 70 years of age, physicians, pharmacists, coroners, con-

#### How Jurors are Selected

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<sup>3</sup>About a third of the states have such a provision.

stables, delegates, and judges of the Orphans' Courts. A list of eligible persons is made out every two years from the tax books by the clerk of the county commissioners or by a jury judge in Baltimore named by the Supreme Bench. From it and the county poll-books the judges of the Circuit Courts draw the panel: 750 names in Baltimore City, 200 in the larger counties, but only 150 in the smaller. The selection is made after due notice before such of the county commissioners as will attend at least 15 days before the beginning of each jury term of court. Names are selected with due regard to sobriety and intelligence and without reference to political allegiance. A certain number of these names written on separate slips of paper are drawn by the clerk of the court from a ballot-box.<sup>4</sup> The names drawn are sent to the sheriff in order that he may notify the owners to appear at the next term of court. Vacancies occurring from illness or death are filled by drawing new names. From the names on the list one is appointed foreman of the grand jury by the court; while the remaining names are thrown into a ballot-box from which the clerks draw 22 to constitute with the foreman the grand jury. (400 in Baltimore City.) The remaining names constitute the petit jury. The selection of the trial jury may prove a long and tedious process, especially in notorious crimes. Both lawyers may strike off arbitrarily four names, but where the accused is on trial for an offense involving death or the penitentiary, the counsel for the accused may strike out twenty names peremptorily and an unlimited number for cause. If the effort to secure a jury exhausts the panel, a new panel is drawn by the judges. If any juror has already formed a definite opinion as to the guilt of the accused, he cannot serve; in grave cases, the prisoner's counsel will often consume much time to be sure that no juror has formed such prejudiced

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<sup>4</sup>Numbered white marbles or balls instead of written ballots may be used in Howard County, Laws of 1920, chap. 146. For the full law see Code of 1912, art. LI, secs. 1-23. Several of the counties have special laws for the drawing of jurors and court procedure.



opinion.<sup>5</sup> Jurors in most of the counties receive \$3 a day and mileage for any distance greater than five miles.

A word of explanation as to law and equity is in order because Maryland differs from most of our states in still preserving the distinction between law and equity, a distinction inherited from England, though it has ceased to exist there for most purposes since 1875. In extraordinary cases, when the common law, built up from common usage, failed to afford a remedy, the king had the right to interpose in order to do justice between private individuals. As the crown usually referred requests for such action to his principal secretary, the chancellor, it soon became the custom to make one's appeal directly to that officer. Thus in course of time, when a party seemed to have justice on his side but no adequate remedy at law, the court of chancery had the right to step in to afford relief and it became a case in chancery. And because it was equitable, it was called relief in equity. The law courts were able to punish a wrong only when committed, but a party could have recourse to equity to prevent the commission of a wrong. Thus for hundreds of years England possessed two distinct sets of courts with different kinds of cases, tried by different rules. It was not and is not easy to draw the line between them. Now the reasons for the distinction have ceased, as the laws provide for all cases and so in almost all states legal and equitable relief are sought in one and the same court. But in this state the old system, copied by the colony Maryland, is still in use, probably because of the dead-weight of usage. The system is illogical but continues because the need for a change is not pressing.

Equity  
vs.  
Law

In general our system presents the usual scheme of organization prevalent in the states. It was crystallized

Court System  
in Maryland

<sup>5</sup>A famous instance was the trial in Kentucky in 1824 of the son of the governor, who was indicted for murder. Term after term it proved impossible to obtain an impartial-minded jury. After three years and after nine futile efforts to secure a jury, the governor pardoned his son on the ground of the impossibility of securing a jury and his own conviction of his son's innocence of "the foul charges."

into its present form by the state constitution in 1807 and falls into four main sets of courts.

**1. Lowest  
Courts**  
**a. Justice of  
the Peace**

Petty civil cases are tried by justices of the peace in the counties, but in Baltimore City by the People's Court, created in 1912 to replace the justices' courts. The justices are appointed by the governor with the consent of the Senate for a term of two years, in number as prescribed by the law, varying according to the population. Unlike other officers, they do not hold over until their successors have qualified. They may be removed for incompetency, wilful neglect of duty, or for misdemeanor in office upon conviction in a court of law by judges who have criminal jurisdiction. When a vacancy occurs, the governor may appoint for the remainder of the term. Their fees are fixed rigidly by law, though in some counties they receive a fixed salary.<sup>6</sup> They are conservators of the peace and discharge the duties fixed by law. They must try petty criminal cases against the law, and civil cases where small amounts of money, under \$100, are involved; and they may administer oaths to persons wishing to swear to some fact or paper and may certify to the oath. The time of the Circuit Courts is thus not taken up by petty cases while prompt justice is still secured. Appeal may be taken to the Circuit Court. They are the only courts which do not keep a record book of the fees they receive and are, therefore, not courts of record.

**b. People's  
Court**

In Baltimore City, the People's Court, created in 1912, practically replaced the system of magistrates' courts. That system had incurred disfavor because the justices were dependent for their earnings on the fees from cases tried before them and were tempted to pile up unjust "court charges." The new court is composed of five justices of the peace and marks an improvement over the old system, as it disposes through one court of many small cases which would otherwise be passed upon by many individual justices of the peace.

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<sup>6</sup>Allegany, for instance, pays \$100 a month; Frederick \$600 a year.

In the second set of courts come the various Orphans' Courts, one for each county and one for Baltimore City. These courts were created to settle the estates of decedents, to appoint and superintend administrators, guardians, and similar agents—to attend to what is often known as probate business. Three judges, not practicing lawyers, but merchants or farmers, are elected to each court in November for four years and have virtual control of this class of cases, although under certain conditions, a case might be tried in an equity court. The sole requirements for a judge are citizenship in Maryland and residence for one year in the county where he is elected. They receive their pay in the form of a *per diem* allowance as fixed by the county and Baltimore, at present \$13 a day. The governor with the approval of the Senate fills vacancies for the remainder of the term. It is at his appointment that one of the number serves as chief judge.

## **2. Orphans' Courts**

The third set of courts might be regarded as a miscellaneous class for disposing of all other classes of cases not already provided for. The state is accordingly divided into seven circuits, the twenty-three counties being grouped into seven circuits and Baltimore City constituting the eighth. In each circuit, except in Baltimore City, there are three circuit judges elected by the people for a term of fifteen years, one of whom is chief judge, holding court at the different county seats in their circuits. The two assistant judges may not be from the same county, and in case of a tie between two candidates from the same county, there must be a new election. In each county two terms with jury must be held yearly and two other terms without jury if there are only two such terms. The judges may fix and alter the time for the terms, unless the Assembly legislates and makes rules for the transaction of business at the non-jury terms.

## **3. Circuit Courts**

### **a. In the Counties**

One judge is a quorum to hear cases, but the party against whom a decision is made in a case heard by less than the full number of judges may reserve the

point for consideration by all. But questions cannot be reserved on appeals from justices of the peace nor in criminal cases for less than felony except in a penitentiary offense. Circuit judges may call special terms of their courts whenever necessary and are required to render a decision within two months of the time of submission of a case. A party may appeal to the Court of Appeals, if he feels that the decision was mistakenly given by the Circuit Court for the county in which it was tried.

**b. In Baltimore City**

In Baltimore, where is congested more than half the population of the state, and far more than the normal amount of business for one circuit, a different system is necessary. Here we find six courts: the three law courts, known respectively as (1) Superior Court; (2) Court of Common Pleas; (3) Baltimore City Court; two Equity courts, known as the (4) Circuit Court and (5) Circuit Court No. 2; and the (6) Criminal Court. The ten judges who preside over these six courts are not elected to sit in any one court, but are elected to the Supreme Bench. Every few months they meet and decide where each judge shall sit, changing from court to court. The extra judges are assigned to the courts with the heaviest business, which are divided into sections; namely, the Superior, Baltimore City, and Criminal Courts. While this has the advantage of preventing narrowness in knowledge of the law, it suffers the disadvantage of sacrificing experience as soon as a judge becomes proficient in passing on one type of case. It is the duty of the Bench to provide for the business of any court in case of the death or illness of the presiding judge. The General Assembly may add to the number of judges at any time, but only one additional judge may be chosen at any election.

**Supreme Bench**

Altogether the ten judges form the Supreme Bench, over which one of the circuit judges, elected as chief judge, presides. Three constitute a quorum. Their function as one body is to prepare rules for the conduct of business in the various courts, and hear mo-

tions for arrest of judgment or for a new trial, where they arise from questions of fact or of misdirection in law by a judge. Appeal lies to the Court of Appeals whenever it may be carried there from the court in which the cases were tried.

The three common law courts have almost co-ordinate jurisdiction in civil cases. The chief differences appear as follows: In the office of the clerk of the Superior Court are kept the land records of the city which is hence known as the record office; the Court of Common Pleas administers the state laws for insolvents and issues marriage and other licenses; while the City Court hears without further appeal cases coming from the justices of the peace and cases arising under the city ordinances.

**Jurisdiction  
Common Law  
Courts**

These are the equity courts of Baltimore City, persisting in the old name, though their judges do not go on circuit. Here must be brought all cases in Baltimore City involving equity procedure, except habeas corpus cases, which can be taken elsewhere.

**Circuit Courts**

All criminal cases, except those appealed from the People's Court, are tried in the Criminal Court.

**Criminal  
Court**

The Court of Appeals, the highest judicial tribunal of the state, handles only appellate jurisdiction—cases on appeal. It is composed of the seven chief judges of the county judicial circuits, and one special judge elected from Baltimore City who in addition shall perform such other duties as the Assembly prescribes. One of the number is designated by the governor, with the consent of the Senate, as chief judge. The court meets at the capitol on the second Monday of January and first Mondays of April and October, remaining in session until the business is disposed of, if it requires no more than ten months in the year. The legislature may change the dates of the terms, while the judges may move their sittings elsewhere for good cause. Four judges constitute a quorum to hear cases, while the assent of three is necessary for a decision. The court must hand down a written opinion within three months after the case is heard,

**4. Court of  
Appeals**



and the docket should be cleared each term. The court frames its own rules for appeal and equity procedure, in which it must aim at brevity and expedition of trials, although the Assembly may repeal or change them. Decisions of this court are final.

Two other courts outside of the regular system must be mentioned. Maryland may lay claim to being in the forefront of the movement for wiser dispensation of justice to youthful offenders, for the Juvenile Court for the city of Baltimore was created in 1902, when there were only two or three other courts for children in the United States. From among the justices of the peace appointed for Baltimore City, the governor designates one judge and an associate judge for the Juvenile Court.<sup>7</sup> The powers conferred on it are as wide and ample as the constitution permits. It has exclusive jurisdiction over children under the age of 16 years in all cases where a justice of the peace would have jurisdiction and the general jurisdiction given by law to the Police Magistrates. The court sits from 10 in the morning, excepting Sundays and legal holidays, observing the same hours as a justice of the peace.

A comparatively recent law, passed in 1916,<sup>8</sup> provides for jurisdiction by one of the Circuit Court judges sitting in juvenile causes. The law has also provided for the appointment of probation officers in connection with the Juvenile Court to make investigations required by the court, to be present at the hearing of the case, to represent the interests of the child, and after the trial to have the custody and control of the child during good behavior at the discretion of the court. The Supreme Bench in Baltimore City or the Circuit Court may instruct the probation officers to visit the various juvenile institutions to which minors are committed. The Juvenile Court in Baltimore City heard during the year 1920 a total of 3,779 cases, 1,041 of which were colored children. Of this number 3,362 were boys, and 417 girls.

<sup>7</sup>Laws of 1910, ch. 41.

<sup>8</sup>Laws of 1916, ch. 326.

The number placed on probation was 629; the number committed to institutions 431; released on fines 817; while 43 had to be returned to institutions. The number of arrests of children under ten years of age was 465.

The advent of the automobile, with its temptation to sacrifice everything to speed, has necessitated a Traffic Court for the sole purpose of trying violations of the automobile law. The governor is required to appoint two additional justices of the peace for Baltimore City and designate them for duty as a Traffic Court.<sup>9</sup> The Traffic Court disposed of 14,727 cases during the year 1920, 3,305 of which were dismissed; 161 violators of the law were committed to jail, while the rest were fined.

**Traffic  
Court**

Technically judges include only duly admitted attorneys who are elected to the Circuit Courts and Supreme Bench of Baltimore, and not justices of the peace, or judges of the Orphans' Courts.

**Judges**

Judges must meet four requirements: They must be citizens and voters, residents of the state for five years and of the circuit in which they sit six months; thirty years of age, and attorneys-at-law, selected from the "most distinguished for integrity, wisdom, and sound legal knowledge."

**Qualifications**

They are chosen by the voters at the regular elections as vacancies occur for terms of fifteen years and until their successors qualify or until they reach the age of seventy years. They are eligible for re-election and even after they pass the age limit the General Assembly may by joint resolution continue them in office until the end of their terms. Naturally, they may not hold any other office, federal or state, during their terms or receive any fee or perquisite of any kind. In case of vacancy in the office from death, disqualification, or removal, the governor appoints the successor who holds until the next general election for delegates to the Assembly; and that official also appoints when the term expires in a year in which no election of delegates occurs.

**Elections  
and Term**

**Vacancy**

<sup>9</sup>Laws of 1918, ch. 85, sec. 159.

## Removal

Removals may be made by the governor on address of two-thirds of both houses, after the judge has had opportunity to defend himself; by the regular method of impeachment; by the governor after conviction in a court of law of incompetency, wilful neglect of duty, misbehavior, or any other crime; or by the General Assembly on a two-thirds vote of both houses and with the approval of the governor. In Maryland there is no popular recall of judges or of judicial decisions.

## Salary

Each chief judge of the Court of Appeals receives \$6,800, associate judges \$4,600 a year, judges of the Supreme Bench of Baltimore receive \$5,500, to which is added \$500 at the expense of the city, which sum the city is forbidden to decrease during a judge's term of office.

Connected with the courts are a great many administrative and clerical officers, many of whom are elected. In order to make their relation to the various courts clear, they are named here, though where they are regular county officers, the discussion of their duties is reserved for the proper chapter.

1. Connected with the court of the justice of the peace as its executive officer is the constable.
2. The Register of Wills acts as clerk of the Orphans' Court.
3. The sheriff, elected in each county, carries out the commands of the Circuit Court and serves as its especial servant. There is also a clerk connected with the Circuit Court in each county and in each court in Baltimore City to keep the court records.
4. The Clerk of the Court of Appeals serves as keeper of the records for the highest court of the state. He is elected by the people for the same term as the clerk of the Circuit Courts; namely, six years, and performs the duties assigned him. He is

subject to removal by the Court of Appeals for the usual causes of neglect or incompetency, and for such other causes as may be indicated by law. In case of a vacancy, the Court of Appeals appoints a clerk to hold office until his successor is elected and qualifies, at the next general election for members of the General Assembly.

Notaries public are appointed by the governor with the consent of the Senate for terms of two years. They are unlimited in number in the counties, though formerly they were restricted in the city of Baltimore. To be allowed to act as notary, one must be a citizen of the United States, and have resided in Maryland for two years. They are vested with power to administer oaths in all civil matters where a justice of the peace could act, and to certify to commercial papers by virtue of a public seal with which they are entrusted.

**Notary  
Public**

The great mass of our litigation is civil cases. In this state an action is begun by the filing by the plaintiff in court of a statement of his cause, called a *Declaration*, if a law-suit, *Bill of Complaint*, if an equity case. The defendant is then served with a summons and must appear in response within a certain time. He files his objections if he holds that the suit has been begun in the wrong court, or a demurrer if he feels that the plaintiff does not show sufficient cause. The judge then rules as to whether the plaintiff has sufficient legal grounds. If the demurrer is overruled (i. e., the judge holds that there is sufficient legal cause) the defendant must file his *plea* or answer within a given time or have judgment given against him. The preliminaries are thus disposed of, whereupon the case is entered in proper order on the docket-book. It then comes up for trial on a particular day, if either party to the suit has secured a particular day; otherwise, according to its number. It is assigned at the close of one day's business for trial on the day following among several cases so that if several suits are

**Procedure  
1. In Civil  
Cases**

quickly disposed of, the court shall lose no time. Parties must be prepared when the case is called.

## The Trial

After the jury has been selected from the panel, the plaintiff's counsel gives a statement of the nature of his case, followed by a similar statement of the counsel for the defense. In an equity suit the evidence has unless one of the parties insists on testimony in open court, been taken down in writing beforehand and is read to the court. The plaintiff's counsel then examines his witnesses under oath on the stand,<sup>10</sup> counsel for the defense being allowed to cross-examine them afterward. If witnesses are unable to be present because of illness or residence outside the state, their testimony may be taken previously as a sworn *deposition* before a qualified officer, but opportunity for cross-examination must be afforded the other party. When the plaintiff has called all his witnesses, he announces that he "rests." The defendant, if he feels that his opponent has not established his case, may ask the judge to so instruct the jury. If his request is refused, or if he prefers no such request, the defendant must then call his witnesses for examination and cross-examination. When all the evidence is in, counsel for both sides submit to the court their *prayers*, in which they set forth their interpretation of the law, to be granted, refused, or modified by the court. Counsel for the plaintiff then opens the argument on the facts; counsel for the defense follows, the plaintiff's counsel being allowed to close the argument. The judge then sums up the case to the jury, explaining the law as contained in the prayers of each side that have been granted and in any additional instructions that the court may see fit to give on its own initiative. If the jurors are unable to agree within a reasonable time, the judge may order them discharged, in which case a new trial may be had at the plaintiff's desire. The losing side may file a motion for a new trial before the same judge, which is usually refused, in which case the last recourse is an appeal to a superior court.

## Appeals

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<sup>10</sup>Before any person is allowed to testify in a court, he must swear or solemnly affirm, as his religious faith permits, with his hand on the bible, to speak only the truth.



## 2. In Criminal Cases

The procedure is slightly different from that in civil cases, as we assume that the government should bring and conduct all prosecutions at its own expense. Writs and process run in the name of Maryland and indictments charge that the crime is committed against the peace of the state. A warrant for arrest is issued by a justice of the peace, let us say, upon presentation of probable cause of guilt by the person applying for the warrant. As soon as possible after arrest, the prisoner is brought before the magistrate for examination. In a few petty crimes the magistrate has the right to try the case, though right of appeal remains. Otherwise the justice either discharges the prisoner, commits him for trial in the Criminal Court, or allows him to offer bail in order to be free until he appears at his trial to answer the charge. An offender is ordinarily brought to trial upon indictment by the grand jury.

### Drawing the Trial Jury

### Proceedings

The next step is the arraignment of the accused, i. e., bringing him before the court, reading the charge to him, and directing him to plead and to state whether he desires trial with or without a jury. That body, in case of need, is next impanelled, as already described. With the jury once drawn, proceedings are the same as in a civil case. To render a verdict of guilty the jury must be satisfied that the accused has committed the crime with which he is charged beyond reasonable doubt, a mere preponderance of evidence being insufficient. A unique situation exists in Maryland in that the jury is judge of both law and facts. When a verdict of guilty is rendered, sentence is immediately pronounced by the judge according to the law; if the verdict holds the prisoner innocent, the court orders his immediate discharge. A motion for a new trial may be taken by the accused; but in Baltimore City, instead of being heard by the trial judge only, it is heard by the entire Supreme Bench.

### Constitutional Safeguards

The constitution throws safeguards around criminal cases in order that the innocent may not be punished. The accused has the right to be informed of the accusation against him; to have a copy of the indictment in

time to prepare his defense; to have a lawyer to defend him; to confront his witnesses in the court-room; to be able to have compulsory process to secure witnesses to testify for him; to a speedy trial by an impartial jury; and to testify in his own behalf, but without incriminating himself. The case must be tried in the county where the offense was committed, unless strong reason exists for a change, such as where prejudice against the accused would prevent a fair trial, in which case it may be removed to another county. Martial law, because decisions must be hastily given without full hearing or a jury trial, is limited to soldiers and marines or to the militia in actual service.

To further safeguard justice against rash and harsh laws by the legislature, our constitution adds the following provisions:

1. Bloody laws, cruel and unusual punishments should be avoided.

2. Retrospective laws, those which declare illegal an act lawful when committed, or which increase the severity of the penalty shall not be made. Retrospective oaths are also forbidden. The more common name for these laws is *ex post facto*. They may make an act a crime which was not such when committed, may increase the penalty for an act already unlawful, alter the rules of evidence so as to make less evidence necessary to convict the accused person, or may change the degree of crime so as to make less evidence necessary to convict the accused person, or may change the degree of crime so as to make it greater; for instance, a misdemeanor may be made a felony. A man is not to be made to swear that he did not do a certain thing.

3. Bills of attainder, condemning a man by legislative act, are forbidden.

4. Only the criminal, not his heirs, is guilty. No conviction may work a forfeiture of estate or corruption of blood.

5. No excessive bails or fines may be imposed.

6. No person may be imprisoned for debt.

Although our three departments of government are materially independent and the judiciary would never dream of commanding or prohibiting an act of the Assembly, still by virtue of the power which it has and now exercises without question to declare laws contrary to the constitution of Maryland or of the United States, it does control legislative acts. They have, in other words, power to declare that what the legislature enacts as law is not law and utterly void. This principle is peculiarly American and is found nowhere else in the world except in Argentine.<sup>11</sup> It is undoubtedly a tremendous power and has produced a vast amount of controversy, and was not established as a basic principle in our governmental schemes until 1803. Occasionally, but rarely, the court does reverse itself and upholds a law previously declared invalid.

**Judicial Veto  
on Laws**

In their zeal to respect the rights of a co-ordinate department, the courts of Maryland regard certain principles which they will not transgress. They will not decide theoretical or imaginary points of law, or will not give an opinion of the meaning of a statute unless the question is brought before the courts in a suit by persons whose interests are affected by the law.

**Rules of  
Interpretation**

Just as the courts may exercise control over the legislative branch by declaring certain laws void, so they can control certain acts of the executive branch by overruling administrative acts which they hold illegal or by commanding officials to perform certain acts. They accomplish these ends by certain prerogative writs. The two most important writs by which the courts control administration are mandamus and injunction. By the former an officer is commanded to perform a certain act; by the latter forbidden to do it. By the writ of *certiorari* the courts look into the acts of an administrative tribunal to determine whether the procedure used was illegal and whether it acted beyond the scope of

**Judicial Veto  
of Adminis-  
tration**

**Mandamus  
and  
Injunction**

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<sup>11</sup>The Supreme Court of Argentina has, during the past decade, refused to uphold certain statutes. Munro, *Government of the United States*, p. 363.

its jurisdiction. An official charged to carry out a certain act may be compelled by *mandamus* to carry it out, but his honest discretion as to whither or when the act shall be performed, cannot be controlled. The writ is most often used to compel administrative officials to pay persons their just bills, or to secure to a duly elected person possession of his office. *Injunction* has been used in Maryland to control administrative acts for two main purposes—(1) to restrain administrative officers and bodies from action without legal authority, and (2) to restrain them from acting under a law held to be invalid. The courts are even more cautious in exercising control over the executive than over the legislative.

In every law-suit there is delay: delay in instituting suit, for the bulk of lawyers will and should try to settle cases out of court; delay in waiting its turn on the docket, for this period now extending from six months to a year and threatening to be doubled soon, is becoming every year more of a problem. At the beginning of 1920 there were in Baltimore City 3,032 cases awaiting trial, at the end of the year 3,745, an increase of 713 cases, while there were 1,004 more cases entered in 1920 than in 1916. Such delay means that the people are in a large measure deprived of the use of the courts and that justice is often defeated.<sup>12</sup> Then there is delay through the preliminaries of *demurrers*; delay in the actual trial, because the judges are hampered by the many artificial and technical rules of evidence, while parties to other cases are bound to remain in court on the chance that their case may be called<sup>13</sup>, and finally there is delay through appeals which are liberally allowed and made. It is seldom that an appeal can be heard before three months and longer before a decision is reached. The possibility of delay under our system is well illustrated in New York, where it took a brakeman 20 years to get his money for injury sustained on a railroad.

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<sup>12</sup>See the statement of Judge Soper of the Baltimore Supreme Bench, *The Daily Record*, Jan. 7th, 1921.

<sup>13</sup>A prominent lawyer of New Orleans, Roselins, complained that he had spent a fourth of his life in the court-house waiting for his cases to be called.



Delay occurs in criminal cases, though the figures as to the number of new cases is not so alarming. Judge Soper believes that we have sufficient machinery to dispose of the business; still the amount causes delay, which is a serious matter, especially with minors, when they are unable to furnish bail and must be confined continuously with hardened criminals. In the actual trials more red tape and technicalities appear in criminal cases than in civil cases: the privilege of challenge in impanelling a jury is abused;<sup>14</sup> indictments are quashed and verdicts set aside for pure technicalities. And yet some delay is unavoidable if we would preserve our dearly prized guarantees of personal liberty—the right to be heard before condemnation, to have judgment only under process of law, and the right to a jury trial.

Since the chief cause of delay seems to be the steady increase in the amount of new business, some means must be found for dispatching it. One suggestion is to increase the jurisdiction of the People's Court to suits involving a larger amount than at present, such suits to be classed as petty cases, but tried by a special tribunal; another is to increase the number of our courts which must meet the objection of increasing complexity in our judicial system when our need is simplification. The importance of the courts in securing obedience to our laws and fundamental institutions—in a word, in guaranteeing good government in our state—is such that we cannot allow the machinery to be clogged.

#### Remedies

The second great reform in Maryland, as in all the other states of the Union, is a radical overhauling of legal procedure. The cumbrous formalities are today archaic. We have been so over-regardful of our individual's rights that every criminal has an unfair right to stay proceedings, take exceptions, to move an arrest of judgment, and to appeal to higher courts, *rights* which often only obstruct and delay justice. The first essential of justice is "that it shall not be delayed to any man,"

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<sup>14</sup>A recent example is the Hatfield case in West Virginia, where more than a week was lost in securing a jury.



and yet our legal complexities seem to obtain delay as the first and inevitable result of our efforts to administer justice. And in the long last, our technicalities often punish an innocent man and more frequently let a guilty one go scot-free.<sup>15</sup>

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<sup>15</sup>No references can be given for this chapter, as there is a dearth of suitable material in print. The writer depended upon the constitution, the account in Steiner, *Institutions and Civil Government in Maryland*, chap. X, a report by Judge Soper in the *Daily Record*, and a paper in manuscript form by Mr. Roger Howell.

### **Circuits in Maryland.**

1st Circuit: Worcester, Somerset, Dorchester and Wicomico Counties.

2nd Circuit: Caroline, Talbot, Queen Anne's, Kent, and Cecil Counties.

3rd Circuit: Baltimore and Harford Counties.

4th Circuit: Allegany, Garrett, and Washington Counties.

5th Circuit: Carroll, Howard, and Anne Arundel Counties.

6th Circuit: Montgomery and Frederick Counties.

7th Circuit: Prince George's, Charles, Calvert, and St. Mary's Counties.

8th Circuit: Baltimore City.

## Chapter XII.

### COUNTY GOVERNMENT.

#### Importance of County Government

The vast silence which prevails in the north on the subject of county government is not found in Maryland, where the absence of large cities, other than Baltimore, and of small units of local government makes the county loom larger. Still, it is in general a subject but little understood, largely because of our indifference to it. And yet, it exists for everyone in Maryland, except for residents of Baltimore City. And because of our lack of townships, it is the sole agency of local government, except for the few incorporated towns. Few of us realize the importance of the county in any understanding of the system of state government; it is the cornerstone in the political system, for which we pay a big price in taxes.

In this state, the county is a firmly established geographical area, the boundaries of which are rarely changed. The most recent change was the creation of Wicomico County which was effected by the constitution of 1867. The creation or alteration of the boundaries of counties is within the power of the legislature, but under constitutional limitations which require the assent of a majority of the voters in the sections concerned. Furthermore, no new county may be formed containing less than 400 square miles nor less than 10,000 white inhabitants; and no change may be made in redrawing county lines so as to reduce a county below these limits. This restriction represents an effort to standardize the size so as to obviate the possibility of a county too small and poor to support a county organization.

Maryland consists of 23 counties and Baltimore City, which, though not a county or in a county, is equal

to one in matters of government. She has been without a county government for sixty-six years, as she was separated from Baltimore County in 1851. This complete self-government has the advantage of freedom from the waste and confusion of responsibility which result from an overlapping county and city government in the same area;<sup>1</sup> but the disadvantage of no territory into which the growing city may expand. Large cities have grown up in the outskirts of Baltimore without health supervision or adequate police or fire protection and it has been necessary to wage a fight for years to gain from adjacent counties sections to fill her needs.

The state is the pivot in our entire American political system. On it swings the United States, as the latter depends on the state for the election of all federal officers, while the counties and lower sub-divisions swing on it, as the state creates them and doles out their powers. The county has been aptly called the creature of the state legislature, as its authority and functions are enlarged, diminished, or abrogated at the will of the Assembly. It has no inherent power of self-government. It is a corporation or quasi-corporation, a corporate body in a sense, but sometimes without the full rights and powers which incorporated cities and towns often enjoy. The legislature endows the county with the right to sue and be sued, to make contracts, levy and collect taxes, borrow money, and own property. But no right to contract a debt can violate the constitutional provision which forbids a county to incur a debt to build a railroad, canal, or other work of public improvement, to give or loan its credit to a corporation unless authorized by an act of the Assembly which shall be published in the papers of the county for two months previous to an election of delegates, and be then approved by the next Assembly.

**Legal Status  
of Counties**

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<sup>1</sup>The list published by the Bureau of Census for 1916 of the cost per capita of city government in our nine largest cities shows Baltimore with the lowest cost—\$1.83 as compared with \$3.49 for New York. And this economy has not been achieved at the cost of progress, for Baltimore has progressed steadily in a gratifying way in improvements, wealth, and in the discharge of her city functions.

**Why Counties  
Exist**

The legislature invests the county with the above powers, because it is the agent of the state in its political, administrative, and judicial functions. They are political divisions since they serve as the units for representation in the legislature, each county electing one Senator and its quota of Delegates, as we have seen; and since it serves as a unit in the canvassing of the election returns. It is more important, however, as an administrative unit. It is an area of financial administration; taxes are assessed, levied, collected by county officers, such parts of the proceeds as are intended for the state and towns being turned over to those units. The county has considerable authority in the construction and repair of highways and bridges; it has the duty of providing some other public works; has charge of poor relief, including especially the erection and care of almshouses; in a sense, the system of elementary school administration is organized on a county basis; and, finally, it is a unit for the enforcement of law and order through its sheriffs. Its chief function, though it may not be immediately evident, is to serve as a judicial district. The state makes use of it as a district for the administration of civil and criminal justice, for the registry and probate of wills, and for the erection of court-houses and houses of correction. Though several counties are grouped into one judicial district, it is at the court-house of each county, as the judge goes around his circuit, that the cases of that county are decided.

**The County  
Seat**

The capital where county business is transacted and county government centralized is known as the county seat, usually the largest town in the county. At the time when the county is first created, the legislature selects the county seat, and it may remove it to some other point. Here is located the county court-house, where the court meets and the county records are preserved; here are found the offices of the county commissioners, and of the other county officers; the county jail, and nearby usually the county-house and farm.



The executive of the county in Maryland is a board, the members of which are known as commissioners. They are elected by the qualified voters of the county on a general ticket, except in Calvert and Montgomery Counties, where the district plan is in vogue, for a term limited by the constitution to not exceed 6 years. Vacancies are filled by the governor and Senate, or by the governor alone during a recess, until the next legislature meets. The number on the board varies through the different counties, 3, 5, or 7, fourteen of the counties having a board of 3; the term varies from 2 to 6 years, not quite half the counties having the six-year term.<sup>2</sup> Cecil and Wicomico have both a short and long term of two and four years, respectively. In most cases not more than a majority of the commissioners is chosen at the same election, though in five counties they all go out of office at the same time.<sup>3</sup> Their compensation, times of meeting, and powers, as well as number and term, are prescribed for each county in a long series of separate special acts. The frequency with which they must hold meetings varies from once or twice a month to Baltimore County, where they must assemble three days a week.

**County  
Board**

**Number**

**Term**

These last few years of high living has brought rapid shift, on the part of some counties, from the old per diem basis of pay to a fixed salary basis, coupled in some cases with a demand for the undivided time and energies of the commissioners. Whereas in 1912 the pay of commissioners was usually \$3 a day with a railroad allowance of 10 cents a mile for all distances five miles beyond the member's residence, except for Baltimore County, where already a fixed salary of \$1,000 was paid, the laws of 1920 show that in at least six counties the commissioners were on a salary basis and that the compensations were increased in other counties. In Caroline

**Pay**

<sup>2</sup>Four counties have a two-year term, seven counties a four-year term, and ten a six-year term. In only one county, Anne Arundel, do we find seven commissioners.

<sup>3</sup>Allegany, Anne Arundel, Baltimore, Harford, and Queen Anne Counties.

County the increase went into effect at once as an emergency measure!

## **Powers**

### **1. Financial**

The powers of the commissioners may be grouped as follows: They have the right to levy county taxes to meet the expenses of county government and to make appropriations for expenditure. By a certain date each year, variable through the counties, in most of the counties, commissioners are required to decide how much money is needed and fix the levy. The county collects the state as well as county tax. It should be noted that two powers, held quite distinct in the state and nation, are here fused—the right to collect and the right to spend money. The legislature by special act also at various times vests the Board with authority to borrow money at a designated low rate of interest, formerly in order to subscribe stock in railroads or turnpikes, more recently to build highways and bridges. Though the Assembly usually stipulates also a tax to provide for the debt, the approval of the voters of the county is not held necessary.

### **2. Roads and Bridges**

The county has played an important part in the building of the highways in Maryland. All matters pertaining to highways, roads, bridges, avenues, streets, and alleys are under the general control of the commissioners with power to make all contracts, to survey roads, change the grade of a road where it crosses a railroad, appoint a road supervisor for each district, where they are created; provide the necessary materials and implements, prepare road maps, construct, alter and repair the public highways, and erect sign-posts at the crossings. With the power to erect bridges goes in some instances the right to maintain a ferry. Public hearings must be held upon petitions for a new road and contracts awarded after open bidding.

### **3. Other Public Works**

Certain other public structures are erected and controlled by the county executives, most notable of which are the court-house and the county jail, occasionally in conjunction. They are given control of works of drain-

age, sewers, and the erection of public landings on a navigable stream, canal, or sound, where public convenience requires it. They may open, straighten, enlarge, clean out, repair, and extend any ditch in the county for purposes of drainage.

The county-house and farm for the poverty-stricken of the county is a well-known institution. This duty is discharged directly or through an appointed body, Trustees of the Poor, who are endowed with corporate rights to sue and hold property, charged with the maintenance and support of the poor. It is rather to the credit of Maryland that in so many of the counties the commissioners are relieved by this special board for the care of paupers and that in Harford County there exists a board of three women visitors to watch conditions in the almshouse and jail. Although the counties have spent considerable sums for the relief of the poor, it has not been spent in an enlightened and scientific way. Usually, our duty is discharged when a county house is erected where the paupers are kept at the lowest possible cost. The scientific way would be to attack boldly the problem of helping them to help themselves and thus ultimately help the county by reducing the burden of poor relief. Possibly the states will be obliged to lend state aid. Hospital provision is found in a few of the counties: Anne Arundel and Harford are authorized to contribute annually to a designated hospital within their borders, while Washington may provide for temporary hospitals in an epidemic. But it is hardly to our credit that a number of the counties keep the indigent insane in their almshouses and use their jails as places of final punishment.

#### 4. Poor Relief

The various other powers, found in one county, not in another, can be handled only in a miscellaneous collective way. They are frequently charged with the standardization of weights and measures; they exercise through appointed constables police patrol over certain roads; they have power to summon witnesses for hearings over contested questions; they offer a reward for criminals; they may change the lines of old election

#### 5. Miscellaneous

districts or create new ones; the power of granting franchises is vested charily in the commissioners and under conditions; in many of the counties they constitute the local health boards; occasionally they establish a police force and occasionally erect lights along the streets. Last, but far from least, comes their power to appoint assessors, the Trustees of the Poor, in Anne Arundel a commission to establish grades for the roads, roads engineers in Montgomery County, auditors, and a health officer.

**Other  
County  
Officials**

In addition to the county Board and the circuit judge, there are some other officials of county administration of considerable importance.

**1. Sheriff**

The sheriff<sup>4</sup> is the oldest and probably the most important. He is elected in each county to serve for two years. He has power to appoint deputies to help him preserve the peace, make arrests, and serve court papers. In times of riot, the security of life and property depends to a great degree upon the courage of this officer. He may call out the *posse comitatus*, all able-bodied citizens over fifteen years of age, or even summon the state militia. It is through his office that the judgments of the court are carried out. He is the keeper of the county jail and serves as county hangman; he looks after juries during court sessions; serves subpoenas upon witnesses, or seizes property by court order; and he places writs of attachment upon property. Vacancies are filled by the governor for the rest of the term. Qualifications are citizenship for five years in the state and an age limit of twenty-five years. If he is unable to serve in drawing a jury, an *elisor* is appointed. He escorts convicts to the penitentiary, collects fines for the state. In the counties, he is elected for two years from among the residents over 25 years of age and for five years a citizen of the state, but is ineligible for two years thereafter; in Baltimore City, however, the term is four years and he is immediately re-eligible. The sheriff receives a fixed salary of not more

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<sup>4</sup>The name is an abbreviation of the old Saxon shire-reeve, which goes back before the Norman Conquest of England in 1066.



than \$6,000 a year and such expenses incidental to his office as are recognized by law.

Closely associated with the sheriff is the coroner. One is appointed by the governor with the consent of the Senate for a two-year term for each county; one for each police station and one at large for Baltimore City. His duty is to hold an inquest over each death which suggests crime, calling in a jury usually to render a verdict. If the jury finds evidence of a crime, the coroner may order the arrest of the person suspected, but his guilt must be decided, naturally, in a regular court. Inquests are usually unsatisfactory, as coroners are neither lawyers nor physicians, while the haphazard selection of a jury seldom serves to unearth crime. It is possible that the office should be wholly abolished while certainly the procedure needs overhauling. At present coroners' investigations are largely a farce which we keep up.

## **2. Coroner**

Two qualifications exist for this office: Admission to the bar, and two years' residence in the county or city from which elected. He is elected for a four-year term, is re-eligible, and subject to removal for incompetency, wilful neglect, or misdemeanor upon conviction in a court or by a two-thirds vote of the Senate on recommendation of the attorney-general. His salary in Baltimore is \$5,400, while the salary in the counties is \$3,000. He prosecutes all offenders against the laws in the counties, receiving his pay in the form of fees; and must collect and receipt in the name of the state for such sums as may be due the state, which are then turned over to the proper officer. He must offer a bond of \$10,000. The good order of the community and the efficiency of the government depend in a large measure on the character of this official and hence good citizens should bring a sharp fight against the candidate of a corrupt county machine.

## **3. State's Attorney**

This official, elected annually for a period of 2, 4, or 6 years, is found in all the counties except Washington, where his place is taken by a tax collector. He collects the taxes, receives all the revenues, and makes all pay-

## **4. County Treasurer**



ments out of the county funds. It is not at all unusual for him to serve also as clerk to the county commissioners.

#### 5. Clerks of Circuit Courts

In each county and in each court in Baltimore City except the Supreme Bench there is a clerk elected by the voters for six years, removable by the court for the usual charges. The court also fills vacancies. The judges make the rules for the performance of the clerk's duties and have power to visit and inspect the offices of the clerks. The latter looks after the judicial records primarily of the courts, but is also keeper of records of transfer of land, of marriage licenses, and any other papers which the law directs to be preserved. They are paid from fees but not over \$3,000 a year in the counties, \$3,500 in Baltimore City.

#### 6. Register of Wills

The constitution requires a register of wills in each county as well as in Baltimore City, elected for a six-year term. Besides serving as clerk of the Orphans' Court, he registers all wills and testaments, accounts of executors, and administrators, reports of guardians, and all other papers concerning the division of the property of deceased persons<sup>5</sup>. In case of a vacancy, judges of the Orphans' Court make an appointment which extends only until the next election for delegates when a register is elected for the full term of six years.

#### 7. Surveyor

A surveyor is elected biennially in each county and in Baltimore at the time of electing members for the House of Delegates. Vacancies are filled by the county commissioners or by the mayor and council of Baltimore for the residue of the term. He makes surveys of land

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<sup>5</sup>Great care is necessary in buying real estate. In making a purchase of a piece of ground all the following precautions are necessary to make sure that your claim is good:

- a. Search the title in the record of land transfers to see that the title is clear.
- b. Search the county tax books to see that all taxes have been paid.
- c. Search the court record to see that the court has not made a "judgment," ordering the previous owner to pay some money.
- d. Search the land records to see that there is no mortgage on it.
- e. Search the records in the office of register of wills to see that no legacy must be paid from it.

bought or sold by the county and of roads and bridges newly laid out and built or the position of which has been changed. He will record in his office, for a fee, any private survey.

The above officers are found in all the counties. A few others are found only in one or two. Allegany County indulges in four road directors, two from each of the leading parties elected for a term of four years. All matters affecting roads, except in incorporated towns, and except state roads or state-aid roads are under their control.

8. Road  
Directors

Baltimore County has a road engineer appointed by the governor to supervise the building of her roads; to make preliminary surveys and to pass upon the road work before it is accepted by the county.

9. Road  
Engineer

In Cecil County are to be found four ducking police and one in Harford County, whose duties are to enforce the laws relating to the shooting of ducks. Obviously the officials are needed only in the few counties to which the laws relate.

Ducking  
Police

Constables are still appointed for a two-year term for the election districts and the wards by the county commissioners for the counties and by the mayor and council for Baltimore. They are conservators of the peace, acting as aides to the sheriff in preserving it. They also serve as executive officers of the justices of the peace. They are especially charged with the duties of suppressing gambling and of enforcing the law which requires a license of peddlers. They are removable by a judge of criminal jurisdiction for incompetency or neglect upon conviction in a court, while vacancies are filled by the body which appoints.

11. Constables

Three counties, Allegany, Garrett, and Washington, find an elective county clerk necessary. His term in the two counties first named is four years, in the last two. His duties consist in performing the usual clerical functions for the county commissioners.

12. County  
Clerk

13. Wreck-  
master  
Worcester  
County

The duties of this office are to come to the assistance of shipwrecked seamen, to endeavor to preserve the cargo of wrecked vessels, and to take charge of what is salvaged. No election has been held for several years for this office, as the coast-guards perform these duties.

Actual  
Working of  
County  
Government

By virtue of its power to determine the form of county government, the state has decided the policies for the counties by means of elaborate general laws, prescribing exactly the procedure of each officer, but the officers of the locality execute them. For instance, the state may fix a tax, but the local officials fix the valuation. The state seems willing to do the thinking for the county while the officers and people need only obey. The result has been an inadequacy and dishonesty in our county system. The duties of every office are complex and scattered through a number of laws and so the official, despairing of knowing the law, follows tradition—and disregards the law. While Maryland has not presented the sad spectacle of extravagance and corruption which may be found in the county governments of most of our states, we do not lack for illustrations of wrong-doing. Let one striking illustration suffice. The road administration of Baltimore County cost \$700,000 annually or three times what was spent on the school system, obviously a rich source of spoils. The Assembly years ago created the road engineer to supervise the construction of roads. The result was merely to break up road organization into two parts at excessive expense and bring on the county the criticism of the federal officials of the Road Survey. The cost was 28% greater for poorer roads than the more heavily traveled state roads. Wastes were revealed, but fraudulent bills could not be discovered from the bookkeeping and there was no control over the 15 district supervisors, who made contracts at will. The commissioners did not consult the expert roads engineer and could ignore his reports

as to quality of material and plans. There was no responsibility.<sup>6</sup>

In theory the counties exist to execute the will of the state and hence the conclusion was reached that they must perform their tasks uniformly. The requirement of uniformity in details is often an evil. The legislature, unfettered by constitutional restrictions, rioted in special legislation. Regulation in absurd detail claimed the time of the legislators. By way of illustration, the law which forbids swine to run within 15 miles of Baltimore City might be cited; or the rule that no animal was to be driven faster than 6 miles an hour within one mile of the library of Catonsville. Tradition requires that the local delegates shall be able to drive through any laws they wish.

State  
Meddling

It began to be felt about 1910 that the inflexible frame-work for all kinds and shapes of counties of a century ago was now a misfit; that local matters would better be left to the more intelligent direction of local authorities. Men grumbled but lacked the imagination to see a new way until California lead the way with her home rule act for counties. Maryland saw the light in 1915 with her amendment, article XIA, granting home rule to the counties and Baltimore City. It requires the Board of Election Supervisors upon petition of 10,000 voters or of 20% of the registered voters of any county or of Baltimore City, or upon demand of the mayor and council, to submit to the people at the next general election the question of whether they desire the drafting a charter and the election of a charter board. The personnel of the board, which must consist of eleven registered voters for Baltimore City, and five for a county, may be determined at the same election. If the popular verdict is in favor of a charter board, the members elected must within six months after election prepare a charter to be presented to the mayor or county com-

Home Rule  
for Counties

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<sup>6</sup>For further details of this revelation see Dodds, *A County Manager Charter in Maryland*, National Municipal Review, vol. 9, No. 8, p. 507-9.

missioners who will publish it in the newspapers within thirty days after submission. It must then be submitted to the voters at the next general or Congressional election. The charter must create an elective legislative body with power to pass local laws on subjects covered by the enabling act passed in 1918, thus ending local legislation by the Assembly for the county accepting home rule. This council must sit one month of each year as a legislature, though oftener as an administrative body, and full publicity is provided for its acts. The presiding officer of the council will bear the name of president. But there is one grave defect in the law—no home rule charter can disturb constitutional officers, or those created by general law. As there are a large number of constitutional officers and as a general law need relate only to two counties, the danger of local meddling under cloak of a general law is obvious

Baltimore City promptly availed itself of the privilege and drafted a charter which was adopted November 5, 1918. So far Baltimore County is the only county which has even tried to secure home rule, but its very progressive charter, embodying for the first time the idea of a county manager with a County Council of fifteen, failed at the polls in 1920.

**Necessary  
Elements in  
Reconstruction  
of Counties**

But whatever form the impending reconstruction in our county governments will take, certain sweeping changes are inevitable.

1. There must be a chief executive. The state and the nation have found a single executive necessary and salutary and the plural board is a failure in the county. There has been some discussion of finding this head in the sheriff, but his association with the court makes it more probable that it will come through the exaltation of some member of the Board of Commissioners, or a county manager.

2. There must be fewer elective officers. County offices are uninteresting to the voter, as they represent no policies and embrace duties which touch only a minority of the people. We have had ample proof of the



fact that, if the average voter is confronted with a dozen candidates for office, he despairs of an intelligent judgment and follows the path of least resistance—a straight party vote. Therefore, men step into county office who could not secure a hearing for a state or city office.

3. A budget system must be introduced into handling of county finances. It should be noted that a few of our counties have been so progressive as to desire a budget system. Dorchester in 1916 secured from the Assembly the privilege of passing a budget; Cecil secured such a measure in 1918; and Frederick, where the county commissioners were very anxious to wipe out a debt, in 1920. Similar measures have been introduced for several other counties, notably Worcester and Allegany, but have not succeeded in passing both houses.<sup>7</sup>

4. The merit system must be applied to county offices. Many of the functions are purely ministerial, as those of the clerks, jail-keepers, attendants in almshouses and foremen on roads, where experience is at a premium and permanence of tenure highly desirable. The whole of county government is a bore to many people. But if citizens won't elect officers, the boss will—for a consideration. These appointments should logically be vested in the chief executive of the county.

5. State control should take the form of guidance rather than interference. Counties must be free to experiment until each finds the form best suited to its development. The state should help toward simplification and unity in accounting methods, taxation, uniform plans for health, charities, and reform by supervision and direction—not by restraint and meddling.

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<sup>7</sup>Laws of 1916, ch. 27; Laws of 1918, ch. 1; Laws of 1920, ch. 138.

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For the facts as to the counties of Maryland, the Amendment XIA, the Enabling Act of 1918, ch. 456, art. 25A of the Code of General Laws, the Code of General Local Laws of 1888 and the Codes and separate laws for the various counties must be consulted.

## Chapter XIII.

### CITIES, TOWNS, AND VILLAGES IN MARYLAND.

A feature which forcibly impresses all strangers entering Maryland from any part of our country except the South is the absence of any unit of local government smaller than the county. In other words, she lacks either the town of New England or the township of the West. They are about the size of election districts in Maryland and attend to strictly local matters—taxes, schools, roads. In colonial times this state did enjoy an area of local government smaller than the county, known as the hundred, and borrowed from England. It was, however, abolished in 1824, since which time no small rural unit has been re-established. It is possible that in some parts of the country there is an advantage in townships in that it brings the people close to the processes of government and affords an opportunity for a close oversight over their officials, but it is difficult for the lay observer, especially a city-dweller, to feel any vital difference between a state with townships and a state like Maryland without.

**Absence of  
Townships**

Whenever a portion of a county becomes fairly urban in character, it is usually organized as an incorporated town or village. The government of this local unit, as of the county, is exclusively a matter of state control. Each state has full power to devise its own system of town, village, and city government and to modify it at will. In some states the legislature is restricted by limiting clauses in the state constitution which have been inserted in an effort to guarantee the local units certain privileges and to protect them against a too meddlesome interest on the part of the legislature.

**Relation  
of Muni-  
cipalities to  
the State**

But the General Assembly is left quite free in Maryland to do its will with the localities which it has consented to incorporate.

**Why Towns  
and Villages  
are Created**

A number of people settled closely together have common interests and problems to which the rest of the people of the county are indifferent. Hence, they come to feel that their pressing questions require more and more constant attention than they can get from the county commissioners or than the latter are justified in giving in fairness to the interests of the other inhabitants of the county. The commissioners often live in quite another section and may not be familiar with the local conditions. Lastly, they need to have certain wants met which the county commissioners may not have power to meet.

**Procedure  
of Incorporation**

The usual and proper mode of procedure then is for the community to go to the Assembly with a petition to be incorporated as a separate municipality, to have a certain section of the county marked off, which becomes the limits of their town or city, and to be given certain rights of self-government within that area through representatives chosen from among their own number. The inhabitants present the petition to some designated officer, who submits the question of incorporation to a vote of the people, and if the vote is favorable, the petition is granted and the region thereupon incorporated.

**A Special  
Act in  
Each Case**

Maryland has no special laws by which municipalities are grouped according to population and a scheme of government provided for all cities of a given size, as is customary in a number of our states.<sup>1</sup> Here, on the contrary, all municipalities are chartered by a special act of the Assembly and any change in the form of government must be effected by another special law.

**Public  
Corporation  
Defined**

A municipality, city, town, or village is regarded as possessing a certain personality distinct from that of its inhabitants.<sup>2</sup> We speak of our city and state as if

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<sup>1</sup>For instance, all cities with a population of 500 to 5,000 fall in Class I, all from 5,000 to 30,000 in Class II, all from 30,000 to 100,000 in Class III, and all over 100,000 in Class IV.

<sup>2</sup>Note that the word *incorporation* means receiving a body.

they were living persons. And the state by law regards them in the same way, allowing certain persons to appear and act legally for them. But in order to be so accepted by the state as a sort of fictitious person, that municipality must first secure the recognition or approval of the state as a personality. This is won only by following the set procedure which constitutes incorporation and securing a certificate of incorporation—a charter. Only the sovereign power of the state, the legislature, can create a corporation. And a corporation can pass on its rights; that is, it includes not only those citizens who applied for the charter, but all others who are born later or move into the town.

The legislature in the act of incorporation provides what officers a given community shall have, the number, how they shall be chosen, and prescribes their duties. In Maryland there is no legal distinction between a city and a town, a city being merely a larger town. There are 122 incorporated towns in Maryland, outside of Baltimore, ranging in size from Arundel-on-the-Bay with a population of 12, to Cumberland with a population of 29,837. The government of these various places varies so that obviously nothing can be here stated except in general terms. In a summary way the government of the Maryland town and village may be set forth.

Number of  
Towns in  
Maryland

When a region is given a charter, it passes from the jurisdiction of the county officers and sets up its own local government. The smaller places, the villages, are governed usually by a board of three, five, or seven commissioners, elected at large. The members of the board then choose a president or chairman from among their own number.

Government  
Of Smaller  
Places

The larger towns are governed by a chief executive officer, a mayor or burgess,<sup>3</sup> and by a town or city council. In each case there is a governing body which passes ordinances, sometimes also called by-laws, under

Of Larger  
Places

<sup>3</sup>The word *burgess* is used only in Carroll, Frederick, and Washington Counties, due no doubt, to their close proximity to Pennsylvania.



the charter. This body, commissioners or council, is elected by popular vote on a general ticket in the smaller towns, from districts or wards in the larger, into which the municipality has been divided. If there is a burgess or mayor, he is elected separately on a general ticket and endowed with a considerable degree of independent power.

**Powers  
Given  
Maryland  
Municipalities**

Some municipalities have far greater powers bestowed upon them than others, but in general those enumerated below are usually found. It is necessary to consult the charter and all amendments of a given city or town in order to know the exact powers conferred upon it by the legislature. These powers include the preservation of order; the paving of streets; preparing regulations on the erection of buildings; providing an adequate and pure supply of water; fire protection; preservation of health; regulating markets; care and bridging of streams; laying and grading of streets; issuing licenses; imprisonment for violation of ordinances; proper drainage; and assuring the safety of public assemblies—in a word, securing the citizens in the peaceful enjoyment of their lives and property.

**Power to  
Borrow**

Most of the municipalities in Maryland have the power to borrow the money necessary to meet current expenses. They are not allowed to incur large debts for the construction of water-works or sewer systems, or for street paving unless these are specifically designated in an act of the General Assembly. This act is usually not passed until by a referendum the voters of the town in question have indicated their approval.

**Commission  
Government  
in Cumberland**

One city in Maryland must be singled out for special consideration as it has introduced into the state a new development in city government. In 1910 the city of Cumberland adopted the commission form of government by a special charter. There is no general legislative provision for home rule for towns or cities in this state, as the home-rule amendment to the constitution applies only to counties and to Baltimore City.

The commission form of government represents a striking innovation in local government against the old form of mayor and council rule, and the substitution of a form which promises greater responsibility on the part of the city officials. Cumberland elects at large for short terms of two years a small body of five men, one of whom is called the mayor-president, who exercises, however, no special power except that of acting as presiding officer. Each receives a salary of \$100 a month. The commission by majority vote enacts all ordinances and passes all appropriations, the president casting his vote with his colleagues; it supervises the enforcement of its own by-laws and regulates the expenditure of its own appropriations; and it handles all awards of contracts for public works. In other words, the scheme cuts through with one blow the old American gospel of "division of powers," as the commission exercises all the powers formerly vested in mayor, council, and executive officers.

The commission apportions the headships of the four administrative departments into which the business of the city is grouped; namely, Departments of Police and Fire; Finance and Revenue, and Treasurer; Water and Electric Lights; and Streets and Public Property. The mayor is assigned to the headship of no department, but exercises a co-ordinating supervision over all. Each commissioner is directly responsible for the direction of one important branch of the city's business. But all appointments are made by the entire Commission.

Cumberland is well pleased with her new plan and if commission government repeats in Maryland its history everywhere else, it will not be long before many of our smaller towns and cities will be imitating the example of Cumberland.

But the commission form of government has, during the years of its practical application, revealed its defects. The executive functions are entrusted to five men and responsibility is, therefore, divided. Commission government claims to fix responsibility; in reality,

it does not do so, as the commissioner in charge of a department is often overruled by his fellow-members. In the second place, the commissioners, laymen, have tried to run their departments, whereas immediate management should be left to permanent appointive officials, experts in their lines. In most cities there is not room, either politically or economically, for a high-salaried commissioner and a well-paid professional expert.

**City  
Manager  
Idea**

The city manager plan was devised to remedy these two defects. The entire control and supervision of the administrative functions are vested under this scheme in a city manager, appointed for no definite term and without regard to his political affiliations by the commission. He may be removed by that body at any time by a bare majority vote, and is, furthermore, subject to recall by the voters in the usual way. He usually attends all meetings of the commission in order to keep in close touch with that body, can make recommendations, but has no power to raise or expend money. He is, however, the real executive to carry into effect the ordinances and hence the policies of the commission. He appoints and removes all officials of the city departments, subject, of course, to any possible civil service rules, and, finally, he controls all the departments, adjusting and planning their work, and keeping them in touch with each other.

During the last few years this idea has spread rapidly, especially to cities which had already adopted the commission form.

**Washington  
Suburban  
Sanitary  
District  
and  
Commission**

During the war a section of Maryland contiguous to Washington had become very closely populated but lay within the jurisdiction of Montgomery and Prince George's Counties. It was in its need of water, sewerage, and drainage a city, but in governmental respects remained a rural area within the jurisdiction of these two counties. In 1918 the General Assembly created out of parts of the two counties a sanitary district, the first in Maryland, and placed it under the Washington Suburban Sanitary Commission, a body of three members, one appointed by the commissioners of Montgomery

County, a second by the commissioners of Prince George County—both, however, upon the recommendation of the Maryland Board of Health—and the third by the governor. All appointees must be residents and taxpayers of the sanitary district. They serve for a term of four years at an annual salary of \$2,000. The commission selects one member as chairman and appoints such engineering, legal, clerical and other help as it deems necessary.

The commission is given corporate powers, the right of eminent domain over any land needed for its purposes; is vested with power to cause surveys and plans for water supply, sewerage, and drainage systems to be made for those portions where it deems them necessary; to issue bonds up to 10% of the total assessable basis of property within the district, if approved by the Public Service Commission of Maryland. A tax was authorized by the county commissioners of Montgomery and Prince George Counties to be levied on the sanitary district in order to provide funds for the interest and principal of the debt, and meanwhile the sanitary commission was given power to levy benefit charges on the property abutting on the water or drainage mains. During the last fiscal year \$580,000 were spent on water and sewerage systems for the sanitary district.

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## Chapter XIV.

### DIRECT LEGISLATION AND THE RECALL.

The movement for popular government has two aspects which are commonly linked together, though not necessary accompaniments of each other: direct legislation, consisting of the initiative and referendum, and the recall. Maryland has the former in the referendum form,<sup>1</sup> but not the latter. But the movement in both forms has made such headway among our states during the last two decades that a chapter on the subject seems desirable in a book of this character to anticipate future questions. Its rapid spread indicates dissatisfaction with our present representative scheme, coupled with confidence in the capacity of the voters to legislate for themselves. In nearly one-half of the states the voters have taken directly into their own hands the power to propose and enact laws without the aid of the legislature where the latter has proved indifferent or hostile to some desired legislation.

**A Striking  
Development**

Direct legislation requires two steps: the initiative and the referendum.

**Definition:**

The initiative is a device by which any person or group may draft a proposed law or amendment to the state constitution and, if it can command a designated number of signatures to the petition in its behalf, may insist on its submission to the voters at the polls, whereupon, if approved by a majority of the ballots cast, it becomes valid as law, just as if passed by the legislature.

**Initiative**

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<sup>1</sup>A bill was introduced in the session of 1918 of the state Assembly providing for the submission of an initiative amendment to the voters of this state, but it failed to carry.

## Referendum

The referendum is the name for the arrangement whereby a measure passed by the legislature may be withheld from going into force until an expression of public opinion is secured upon it. This submission may be *optional*, in which case the legislature may or may not submit a measure to the people at its good pleasure; or *compulsory*, in which case it must be so submitted if a designated number of voters petition for its submission. In ordinary use, referendum suggests compulsory submission. A *constitutional* referendum refers to an amendment to the state constitution as contrasted with *statutory* which refers to laws only.

## Historical Notes

It may not be amiss to point out that direct legislation is only a new name for an old principle—as old, at least, as the Athenian democracy.<sup>2</sup> The first American state to adopt the device, however, as a regular instrument of government was South Dakota, followed shortly by nearly half of the other states, though its main strength still lies west of the Mississippi. In July, 1921, thirteen states possess the direct initiative; twenty-one have the referendum in some form. It is interesting that Maryland is one of the six converts in the eastern half of the country<sup>3</sup> and the only one among the strictly southern states except Mississippi. The other fact of real significance to be noted in an historical way is that no other country with representative government, such as England or France, has adopted it except Switzerland.<sup>4</sup>

## Causes

The reasons for this remarkable growth in the United States are two: First the decline of public confidence in legislatures, due primarily to the inferior calibre of the representatives, the lack of leadership, and the limited field of legislative action; and, secondly, the readiness of legislators themselves to evade responsi-

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<sup>2</sup>Socrates was condemned to death by what we would nowadays call a bill of attainder passed by direct legislation. Questions of peace and war were decided by the Greeks by direct legislation.

<sup>3</sup>The other four are Maine (1908), Ohio (1912), Michigan (1913), and Massachusetts (1918).

<sup>4</sup>Even in Switzerland the initiative is seldom used, but recourse is often had to the referendum.

bility and shove the law-making onto the voters in order not to jeopardize their political careers by offending one faction or the other by their vote.

A number of formalities are necessary in direct legislation, though in no two states do precisely the same requirements exist. But the mode of initiating a law—by petition, and the method of enacting it—by popular vote, is everywhere the same.

**Steps in  
Direct  
Legislation**

Any one may frame a proposed law or constitutional amendment, though, as a matter of fact, it is usually done by some interested organization. Then the requisite number of signatures are sought and secured, 5 to 10 % of the qualified voters of the state being the usual requirement—a sufficient number, in any case, to show some degree of popular demand for the measure.

**1. Petition**

The petition is next given to some state official designated by law, often the secretary of state, to check the names as to number and authenticity. Some states distribute publicity pamphlets before the election occurs in order to inform voters upon the questions submitted to them.<sup>5</sup> The measure is then placed, in condensed form or by title only, on the ballot at the next regular election or at a special election. As many measures as have been duly petitioned for are placed on the ballot, while the legislature may also submit measures of its own. Usually the act is held as having passed if a majority of the votes recorded is for it, but in a few states the requirement is made that a certain percentage of the total vote shall be cast on the question, if the measure is to be held as accepted.

**2. Submission  
to the  
People**

The legislature cannot usually amend or repeal a measure which has been adopted by the people at the polls; and the governor cannot veto any such measure. To prevent too frequent referendum on the same ques-

**Finality  
of the  
Referendum  
Vote**

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<sup>5</sup>In California from 1908-15 the average vote upon referendum measures was 40 % of all who voted, in 1916 79 %; during the earlier period no publicity pamphlets were issued, while during the latter period there were.

tion, some states forbid the bringing forward of a proposal rejected by the people for at least three years unless it is supported by a larger number of signatures than is required for the first vote.

**The  
Referendum  
in Maryland**

Maryland has not yet accepted the idea of the initiation of legislation by the people, but only the referendum on acts or parts of acts passed by the legislature. Since 1915, no law passed by the Assembly may go into effect until the first day of June after the session at which it was passed, except in the case of emergency measures. If before June 1 a petition to refer a law or part of a law bearing the signatures of 10,000 voters, of whom not more than half shall be residents of Baltimore City or of one county, shall be filed with the secretary of state, the act shall be submitted to the electors at the next Congressional election. Certain measures are not subject to referendum: a law making an appropriation or maintaining the state government, or aiding any public institution, not exceeding the last previous appropriation for the same purpose, or a law licensing, regulating, prohibiting, or submitting questions of local option with regard to spirituous liquors.<sup>6</sup> Any local law shall be referred only to the people of a given county or of Baltimore City upon a referendum petition of 10% of the voters of said county or city. If more than one-half, but less than the full number of required signatures is filed with the secretary of state before June 1, the time for the law to go into effect is extended to June 30 to afford opportunity for securing the requisite number of signatures. If the law receives the approval of a majority of the votes cast on the measure, the law goes into effect thirty days after the election, but if a majority of the votes is adverse, it becomes invalid as if never enacted by the legislature. There has been no state wide referendum under this article yet, though there have been some local referendums.

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<sup>6</sup>Without point, of course, so long as the 18th amendment stands.

The requirement that an act shall not go into effect for sixty days to afford opportunity for the filing of a petition might become a serious hindrance in case of an emergency, such as war or an epidemic, a financial panic, or riots. To meet this possibility, the Maryland amendment provides that in case of measures, "necessary for the immediate preservation of the public health or safety," and passed by a three-fifths vote of the total membership of each house, they shall remain in force despite a referendum petition, but are repealable thirty days after having been rejected by a majority of the qualified voters. No measure creating or abolishing any office, or changing the salary, term, or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest shall be enacted as an emergency law. To further guard against abuse of this privilege, it is required that existence of an emergency shall be explicitly stated in one section of the law and that such measures must pass by a three-fifths vote. Despite safeguards of this character, the emergency privilege has been frequently abused in the other states, though not in Maryland. A few rather amusing uses of the emergency privilege might be cited.

#### **Emergency Measures**

Some of the reputed merits of direct legislation as opposed to the alleged defects should be noted, for there is wide divergence of opinion concerning the results in those states where it has been tried. The chief of the arguments advanced for it may be summarized as follows:

#### **Merits of Direct Legislation**

1. The voters cannot be dominated by vested interests as can a legislature and the pressure of sinister influences on law-making has been very great. The defects of representative government, the expense of nomination by party primary, the long ballot, and the frequency of elections could be slowly remedied, but direct legislation offers a prompt and complete reform.

2. It supplements and improves without supplanting representative government, only rendering it more democratic.



3. The constant propaganda before a referendum vote educates the voter and stimulates his interest in political questions, as he votes not only for men, but also for measures. Individual citizens are encouraged to formulate political policies of their own.

4. The government is forced to be responsive to public opinion.

5. It gives the minority a voice in the determination of public policies as they arise, whereas representative government speaks only for the majority.

6. It restores leadership in legislation by vesting it in the electorate, a factor lost in legislatures under our system of checks and balances.

#### Defects

Now follow some of the chief arguments on the other side.

1. It breaks down the fundamental nature of our constitution with its guarantee of the inalienable rights of the minority as well as majority, if the constitution is to be changed as easily and in the same way as laws at each gust of popular opinion.

2. It tends ultimately to supplant representative government, as the legislature, when it is deprived of power and responsibility, will fail to attract men of even mediocre ability. Witness the history of city councils.

3. While purporting to establish law-making by a majority of the voters, in reality it sets up rule by a majority only of those sufficiently interested to vote on a given measure—minority rule. Laws are often enacted by a third of the whole electorate.<sup>7</sup>

4. It promotes the interests of a minority which has back of it the strength of some organized interest, as labor, the grange, the church, while general measures for the ordinary citizen are quite neglected.

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<sup>7</sup>Not more than 80% of the voters appear at the polls in a regular election, 70% to 85% of whom vote on referenda questions; thus about 60% of the registered voters pass on a given measure. A majority of these or 31% of the whole electorate is sufficient to reject or enact a measure into law. Munro, *The Government of the United States*, p. 515.

5. It does not promote independence of thought or effort more than does representative government. It transfers control not from organization to scattered, independent thinkers, but from one set of organizations to another.

6. It makes a full expression of opinion impossible, and measures must stand or fall without the opportunity of compromise and concession possible in legislatures.

7. The initiative is an encouragement of crude legislation.

Recall is a process by which any elective officer whose services are unsatisfactory to those who have elected him may be removed from office before his term has expired. This principle, a revival of an old one operative at least in Massachusetts in 1780, was first adopted in recent years in the charter of Los Angeles in 1903; by the state government of Oregon in 1908; and has since spread to nine other states in the Union.<sup>8</sup> In four states the recall does not apply to judges; in Kansas to appointive officers only; in Colorado to judicial decisions also.

**Recall**

The first step in recalling an official is the filing of a petition by any voter. The reasons for the requested removal must be stated, but, unfortunately, they are often permitted to be vague. Petitions must bear a designated number of signatures of qualified voters, ordinarily 25%, though the number varies from state to state. Some state official counts and verifies the signatures. But since it would be obviously unjust to recall an official before he has had time to prove his ability, the law usually forbids the circulation of a petition until he has served six months in office except in the case of legislators.<sup>9</sup> An official against whom a recall petition has been presented, must be at once notified.

**Procedure**

**1. The  
Petition**

**2. The  
Official's  
Reply**

<sup>8</sup>These states are California, Arizona, Colorado, Nevada, Washington, Michigan, Kansas, and Louisiana. In Idaho the legislature has not passed the necessary laws to put the constitutional amendment into effect.

<sup>9</sup>They would usually be able to finish a legislative session if the rule were made to apply to them.

### 3. The Recall Election

He is accorded the right to a reply, which is sometimes printed on the recall ballot, though he may resign, if he prefers not to contest the question. A recall election is held within a certain prescribed time after a petition has been filed, varying from one to three months. If a statement of the causes of the removal and the official's reply appear on the ballot, they are usually restricted to a few words, perhaps two hundred. The recall ballot may also bear the names of rival candidates. The vote necessary for recall varies: In Oregon the official is retired if he fails to obtain a plurality of all the votes; in California only if a majority of the voters definitely vote for his recall. Occasionally, an official who is sustained at the polls is reimbursed for his recall election expenses from the public treasury.

But whatever the merits or defects of the recall as applied to the administrative and executive officials may be, it would seem that there would be but one opinion as to its application to judicial officers. Because of the final character of the action of the judiciary, it has been regarded as the bulwark of our institutions. Even where we have made judges elective, they have been given a relatively long term and an assurance of continuance in office. This was in order that justice might be lifted above the people, and that judges by a reasonably large measure of independence should administer and interpret the law carefully, exactly, and fearlessly. A judge cannot try every case in a way to please both sides and must, perforce, create a party against him which could readily agitate for his recall. A judge who must consider the immediate effect of his decision on his popularity, who knows that he remains on the bench only so long as his decisions find favor with the majority is in no position to mete out justice without fear or favor.

#### Arguments

The arguments advanced for the recall are in the main two:

#### Pro

1. It is a more expeditious method of removal of inefficient and dishonest officials than impeachment,

which is clumsy and will not be applied to any but flagrant cases.

2. It will serve as a wholesome reminder of campaign promises and keep the official spurred to his best efforts.

On the other hand,

and  
Con

1. It is felt that with a sword of Damocles hanging over his head an official will spend his time trying to escape it by offending no faction rather than in constructive work.

2. It has failed to vindicate itself as a more expeditious instrument than impeachment, for although the machinery has existed for over a decade, no state official has as yet been removed in this way. Several recall elections have been held but in most instances up to date they have been defeated. A near approach to a genuine recall is the case of Mayor Harper of Los Angeles, who resigned in 1909 rather than face the possibility of defeat at the polls. Though his resignation was accepted by the council, we have here the practical effect of recall. Some believers in the recall of executive or legislative officials are vigorously opposed to its application to judges. Nothing positive can be said so long as arguments rest chiefly on theory and not on actual experience.

3. In large cities the cost of frequent recall elections would be practically prohibitive.

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## Chapter XV.

### THE GOVERNMENT OF BALTIMORE CITY.

#### Historical Resumé

Baltimore, not only the largest city in Maryland, but the eighth largest city in the United States, contains more than half the entire population of the state.<sup>1</sup> Laid out as a town in 1729, it was erected into a city before the close of the century, in 1797. As we have seen, it is not in any county, but, in a certain sense, counts as one, having its own complement of county officers; counting as four counties in the state legislature, and as more than two congressional districts. Until 1918, it received especial attention from the General Assembly and was the subject, rather the victim, of many special laws, but in that year it availed itself of the legislative offer of home rule and drafted its latest charter. This charter, after long debate and consideration of the commission form of government, finally followed the old lines, differing from the charter of 1898, as revised in 1908, in only two important points: the incorporation of the merit principle of appointment to offices as opposed to the old spoils system, and the letting of city contracts by competitive bidding.<sup>2</sup>

The present charter may be amended at the initiative of the mayor and council or by a petition signed by not less than 20% of the voters, although 10,000 names will, in any case, suffice. The suggested changes must be published by the mayor for five weeks before election and then submitted to the voters at the next

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<sup>1</sup>Figures. Baltimore has a population of 733,826 and an area of 91.93 square miles, 13.21 of which are water, according to the census of 1920, while Maryland has only 1,449,661 inhabitants, including 4,313 at Camp Meade. Maryland Geological Survey, VI. (1906), 419, and 1920 census.

<sup>2</sup>Charter, art. I, secs. 14-15 and 203A-Q.

general or congressional election; they are adopted if they receive an affirmative vote on a majority of the ballots cast on the question.

#### **Constitutional Restrictions**

The constitution imposes certain restrictions upon the city powers. Baltimore shall incur no debt, other than for the purpose of meeting a deficiency, an emergency in the maintenance of the policies or the preservation of the safety or sanitary conditions of the city, or for the renewal of debts created before the adoption of the constitution, without the concurrence of three conditions: an act of the state legislature, an ordinance of the mayor and city council, and an affirmative referendum vote by the qualified voters of the city.

#### **Elections**

All elective officials are chosen in May of the year preceding a presidential election and serve for terms of four years. This date wisely separates the municipal elections from both the state and national elections. The state constitution provides for an elective city surveyor, chosen by the people at the regular state election in November of the odd-numbered years. Nominations for city offices are made by party primaries without provision for recall.

#### **General Powers of the City**

The mayor and city council together have large administrative and ordinance-making powers. They may make regulations as to the erection of buildings to promote safety by limiting their height and the use of wood in their construction, and by exercising authority to enter and examine all buildings, cars, and boats; license and regulate carriages and wagons, peddlers, and men in various businesses; regulate the sweeping of chimneys and adopt measures necessary to prevent and extinguish fires, such as control of the sale of gunpowder and petroleum and the establishment of a fire department; condemn property for public use; regulate the sale of food; provide for the preservation of the navigation of the Patapsco River and its tributaries; regulate the use of the wharves, docks, piers, bulkheads, etc.; take measures for the preservation of the health of the city with regard

to nuisances and offensive trades; erect houses of correction, almshouses, reformatories, and hospitals; establish and regulate inspections in the city; provide for the inspection of milk, bakeries, weights and measures; make sewers to drain the city and make improvements in Jones Falls; provide and regulate markets; create and maintain parks and squares; pension disabled and aged policemen and firemen, providing for the widows and children of those who lose their lives in public service; keep order and preserve life and property by means of the police; grant franchises under certain conditions for a period of less than twenty-five years; establish schools; levy taxes; open, widen, clean, and pave or even close streets; provide a water supply; license and regulate public amusements; and finally, grant the use of public property for any public purpose not interfering with the primary purpose of the building.<sup>3</sup>

The legislative department of the city is vested in the city council which clings to the traditional arrangement of two chambers—a first and second branch.

**The City  
Council**

The city is divided into twenty-eight wards, each of which elects one member to the First Branch for a term of four years. The members must meet the following qualifications: an age requirement of at least twenty-one years, citizenship of the United States; residence in the city and ward for three years immediately preceding the election, and payment of taxes on \$300 for the year prior to the election. Vacancies in this branch are filled by a new election in the ward in which the vacancy occurs. It selects its own presiding officer who votes on all questions and succeeds to the mayoralty if the mayor and the president of the Second Branch should both die or become incapacitated.

**First  
Branch,  
\$1,000**

The Second Branch consists of eleven members, including the president, two elected from the first four councilmanic districts, and one each from the fifth and

**Second  
Branch,  
\$1,000**

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<sup>3</sup>Charter of Baltimore City 1918, art. 1, secs. 1-32. Even the above lengthy list does not exhaust the powers of the City government.

sixth districts. The qualifications, though similar to those for the First Branch, are slightly higher: citizenship of the United States, a minimum age limit of twenty-five years, residence in Baltimore for four years prior to election, and payment of taxes on \$500 worth of property for two years immediately preceding election. The electors are the same for both branches—persons qualified to vote for members of the House of Delegates. Vacancies are filled by the Second Branch by the election of some one residing in the proper councilmanic district or at large.

**President  
of the  
Second  
Branch,  
\$3,000**

The president of this body, an important administrative official, is elected by the people at large at the same time that councilmen are elected and serves as mayor in case of the mayor's absence or if the office for any reason becomes vacant. He presides over the smaller branch and votes on all questions. The Second Branch proceeds to elect a new president if the presidency falls vacant, some one not of their own number. The president may be removed by a majority vote of the two branches in joint convention, for incompetency, wilful neglect, or misdemeanor upon charges preferred by the mayor and after an opportunity for a hearing has been afforded. No discrimination is made in salary between the members of the two branches, as each councilman receives \$1,000 a year.

**Sessions**

The council convenes annually the third week in May and may continue in regular session for 120 days, though not necessarily consecutively, but the mayor has the right to convene them in extra sessions as need arises.

**Procedure**

Each branch may compel the attendance of absent members; judges the election and qualifications of its own members, subject to appeal on the part of the rejected candidate to the Baltimore City Court; it may by a three-fourths vote of the total membership expel a member for disorderly behavior or misconduct, but not a second time for the same offense. Each body

adopts its own rules of procedure, though it may not violate the charter, appoints and removes its own officers, and regulates their pay.<sup>4</sup> Each branch is required to keep a journal of its proceedings, to enter the yeas and nays votes on any question at the request of one member, while the final vote on any ordinances or resolution must be so recorded. Deliberations of both bodies must be public. Ordinances must be read on three different days in each branch, unless dispensed with by the unanimous vote of all members elected—the usual precaution vainly designed to prevent undue haste.

The people of Baltimore elect from among their citizens over twenty-five years of age, ten years a resident of the city next preceding the election, and either possessed of property to the value of \$2,000, on which he has met the taxes for two years preceding the election or who has held elective, executive, or legislative office under the United States, Maryland, or Baltimore, a person of integrity, experience, and sound judgment to be their mayor. Nomination is by primary and the election by secret ballot. He is elected for a term of four years and until his successor qualifies, and receives for his services one of the larger salaries paid in Maryland—\$6,000 a year. He assumes office within a few weeks after election.

**The  
Mayor,  
\$6,000**

Power has passed in Baltimore from the council to the mayor and Board of Estimates. Administrative powers are largely centralized in the mayor. In practice he is able to dominate the council and the Board of Estimates, the two bodies which by their method of selection are wholly or partially independent of him. His powers may be classified under five heads:

Theoretically, the mayor, no more than the governor, is to participate in legislation; practically he does. Although by virtue of the charter requirement that he submit to the council each January an annual report on the condition of the city, he has an opportunity to

**Powers**  
**1. Legislative**  
**Advisory**

<sup>4</sup>Not, of course, to exceed the amount appropriated by the ordinance of estimates.



recommend legislation, he does not usually avail himself of it. However, his actual influence on the course of legislation is considerable, dependent largely on whether his party commands a majority in the council. His method is usually to hand ordinances which he wishes passed, to a member of the council for introduction without bothering the body with any special message.

## 2. The Veto

He is required to sign or veto all ordinances or resolutions. If he decides to withhold his assent, he returns the measure to the branch in which it originated with his written objections, within five days of regular sittings after its delivery to him. That branch then reconsiders it after five but within ten days of its return. A three-fourths vote of both branches is necessary to pass it over his veto. If he fails to return the measure within the specified time, it becomes a law unless the council has meanwhile prevented its return by an adjournment sine die or for more than a month. The charter permits our mayor to veto items in an appropriation bill, the veto to be overridden only by a three-fourths vote of each branch as with any veto, but it is a power which is not exercised, as he has already expressed himself on each item in the budget committee, and items are scarcely, as a matter of fact, included to which he has raised serious opposition.

## Criticism

The qualified veto has not, however, proved entirely satisfactory. It has perhaps at times enabled certain of the bolder of our mayors to check extravagance and to prevent imprudent granting of franchises; but, on the other hand, it has frequently been used to advance a mayor's own political or personal interests. Mayors have not hesitated to use the veto power, with the result that a mayor has not infrequently been the real dictator without full responsibility—and thus the veto, intended as a weapon of protection or for emergencies in the hands of the executive against unwarranted interference by the council, may be perverted into a bludgeon for enforcing the execution of personal desires.

The mayor of Baltimore has large appointive powers. He appoints all heads of departments, heads of sub-departments, municipal officers not embraced in a department, and all special commissions or boards, except such as fall within the civil service. But there still exists the requirement that his appointments must have the concurrence of the upper branch of the council. But that body is required to take action within its first three regular sittings after the nominations have been sent in, or the nominations become valid as if ratified. If the Second Branch refuses to confirm the nominations, the mayor must submit other names until a confirmation has been secured. The mayor's appointments are to be made in September after his election and the officers assume their duties in October. During the first six months of his term, the mayor may remove at pleasure all municipal officials whom he regularly appoints; but afterwards he may remove only for causes after due notice and trial. On boards or commissions, composed of more than one person, he must appoint minority representatives from the party which cast the second highest vote at the preceding municipal election.

### **3. Appointing Power**

Vacancies are filled during a recess of the Second Branch by the mayor alone until the next regular sitting when he must present the name of a person for the vacancy. The term of all appointees is four years. All city officials elected or appointed by the mayor or council qualify by taking an oath before the mayor faithfully to perform the duties of their respective offices and to support the laws and constitution of the state and nation, whereupon the mayor issues a commission sealed with the corporate seal.<sup>5</sup>

### **Commissions Issued by Mayor**

It is a debatable question whether confirmation of appointments by the council is an advantage, for, while it may prevent improper appointments, it has served also to divide responsibility for poor appointments between the mayor and council. It has worked in Baltimore, as everywhere, both well and ill.

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<sup>5</sup>Charter, art. I, sections 25-30. No person may hold more than one position with pecuniary compensation in the city of Baltimore, and all officials must be registered voters.

#### 4. Financial

Another important power relates to the administration of the city finances. This responsibility in Baltimore is not imposed upon the mayor alone, but devolves upon a body known as the Board of Estimates, of which he is an important member.<sup>6</sup>

#### 5. Miscellaneous

Finally, the mayor is charged with a general supervision over the enforcement of the tax ordinances and the conduct of the city's administrative affairs. He may call upon any officer of the city entrusted with the receipt or expenditure of money, for a statement of his accounts, as the former deems necessary, and may by an expert accountant examine the books or accounts of any department, sub-department, board, commission, officer, or employee. Every head of a department must report to him monthly, and he must consult all the heads as a body at least once a year—oftener if he judges best. He has the powers of a justice of the peace on all occasions of ceremony in the city, and elsewhere he represents the city and takes rank as the first citizen of the municipality. Social duties, sometimes semi-political and infinitely varied, claim an undue share of his time and energy, and threaten at times to infringe on his official work.

#### The City Departments

In addition to the mayor there are a large number of administrative departments, sub-departments, boards, commissions, and officers not embraced in a department to transact the varied and stupendous business of a large city, such as fires, charities, health, safety, etc. The heads of departments and sub-departments, commissions, boards, and officials not in a department, have power to appoint and remove their subordinates, except those provided for in the civil service and to pass rules for the regulation of their respective departments, not inconsistent with the laws or ordinances. All heads of departments, composed of boards are required to hold one meeting at least each month for consultation and to become familiar with the business of their sub-departments. They have the privilege of the floor in the First Branch

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<sup>6</sup>This subject is discussed fully later in this chapter.

of the council, may share in the debate of matters relating to their respective departments, but without vote.

The head of the Department of Finance is a Board of Finance composed of the comptroller, register, president of the Board of Estimates, president of the Commissioners of Finance, and City Collector of Water Rents and Licenses. This body is for consultation only.

**I. Finance**

The head of the first sub-department, one of the few elective officials in the city, is chosen with the mayor, and must meet the same qualifications, and enters upon his duties at the same time. He may be removed by the Second Branch for neglect, incompetency, or misdemeanor after a hearing upon charges brought by the mayor.<sup>7</sup> All money collected for the city must be turned over to the comptroller and by him deposited with the city register. He has general oversight of all the sub-departments in the Finance Department; and no claim against the city may be paid until approved by the comptroller. He draws a salary of \$4,000 a year.

**1. Comptroller,  
\$4,000**

The city register needs, for many people, to be translated into city treasurer. He is the custodian of the city's money and keeps the city seal. He is appointed by the two branches of the council in joint convention late in May for a term of four years, at a salary of \$3,800 and such sums as may be provided by law. He is removable by the Second Branch upon charges by the mayor after opportunity afforded for a hearing; likewise vacancies are filled by joint convention of the two branches.

**2. Register,  
\$3,800**

The third of the sub-departments of Finance consists of the mayor, city solicitor, comptroller, President of the Second Branch of the council, who serves as president of this board, and the president of the Board of

**3. Board of  
Estimates**

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<sup>7</sup>Charter, art. I, sec. 34. The harbor master for the collection of harbor and wharf rents, the inspectors of Weights and Measures for the collection of fees for the inspection of weights and measures, and the market master with his assistants at each market, are all under the appointment and direction of the comptroller's office.



Public Improvements. It has power to summon before it all heads of departments and sub-departments and all city officers and boards. It prepares annually during the month of October three lists of appropriations: (1) Departmental Estimates, based on estimates sent in by the heads of departments and sub-departments, boards, municipal officials, and the presidents of the two branches; (2) Estimates for New Improvements to be constructed by any department during the next fiscal year; and (3) Estimates for Annual Appropriations, all amounts required by law or contract to be appropriated to charities, educational, or reformatory institutions and all other required sums not embraced in the other two lists. The council must hold daily sessions to consider the budget until it is passed. The council may not increase the estimate, though they may lower the amounts, except for items to pay the state taxes or city debt.<sup>8</sup> Before an ordinance granting a franchise is passed, such as the use of a street by a railway company, the Board must pass on the value of that franchise. All purchases of property and other contracts involving more than \$500, except those awarded by the Board of Awards, made by any department or sub-department, must be submitted to the Board of Estimates for approval. All ordinances relating to new improvements, the cost of which will exceed the sum of \$2,000, must be referred to this board after they have been introduced in the council, which must report promptly on the advisability and cost of the proposed work, though the report does not bind the council. It may also increase or decrease the salary of any official except those of its own members by proper provision in the budget, though only once during a single term. No temporary loan is allowable to meet a deficiency for inadequate estimates, though the council may borrow temporarily in anticipation of taxes.

There must always be included in the budget a contingent fund of \$50,000 to be used as the Board of Esti-

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<sup>8</sup>Ibid., sec. 36, Deficiencies must be met by a pro-rata abatement of all appropriations except for the state tax or city debt and amounts fixed by law.



mates directs. The Board must send to the council on October 1 a report showing the revenues and proposed expenditures. By November the tax levy must be determined and taxes are due between January and July of the following year.

This body is composed of the mayor, comptroller, register, and two persons, serving without pay, especially appointed by the mayor. They select the banks in which the city's moneys are to be kept, authorize temporary loans—not violative of the charter—and have charge of the sinking funds.<sup>9</sup>

This official, appointed at a salary of \$7,000 by the mayor, and confirmed by the Second Branch, collects the city and state taxes and pays the money over to the register. He prepares and sends out to the tax-payers the tax bills on the taxable basis determined by the Appeal Tax Court after the annual levy is made.

The duties of this office are sufficiently indicated in the name. The incumbent of the office is appointed by the mayor with the usual confirmation at a salary of \$3,000 a year. The city charges every house where water is used, for the privilege; license fees are due the first week in January.

The head of the legal department of the city is the solicitor, who either in person or through his assistants, conducts the suits that may be brought by or against the city, who advises the mayor, council, and the city's several departments and boards, and who has general supervision of all the legal business of the city. He is appointed by the mayor in the usual mode, at a salary of \$4,500, in addition to reasonable traveling expenses. His qualifications require that he be a member of the Baltimore bar and that he shall have practiced his profession for ten years in that city. He has charge of all titles on behalf of the city; and must give his opinion of all deeds, bonds, contracts, or other legal instru-

4. **Commissioners of Finance**

5. **City Collector, \$7,000**

6. **Collector of Water Rents and Licenses, \$3,000**

11. **Department of Law**

1. **City Solicitor, \$4,500**

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<sup>9</sup>One of the mayor's appointees serves as president. The mayor and register sign all obligations of the city and all city bonds.

ments in which the city is interested as to their sufficiency and legality.

**III. Department of Public Safety**

**Board of Public Safety**

The head of this department is the Board of Public Safety, presided over by the president of the Fire Department and composed of that official, the Commissioner of Health, Inspector of Buildings, the Commissioner of Street Cleaning, and the president of the Board of Police Commissioners. The board may consult and advise concerning matters of public safety, but is without power of control.<sup>10</sup>

**1. Board of Fire Commissioners  
\$1,000**

Three citizens, appointed in the usual way, at a salary of \$1,000, except the president, who receives \$1,500, compose this board and they have control of the fire department, appointing and retiring firemen, caring for the engines and fire-houses. It is composed politically of two members from the dominant party and one from the minority party. The board may pension any one after 20 years' continuous service, or a person disabled in the performance of his duty, or any one unable to work further, and may provide for the relief of widows and children of firemen killed in service to the extent of one-half the yearly amount received at the time of retirement.

**2. Commissioner of Health,  
\$4,250**

The charter stipulates the appointment of a physician of five years' active experience as Commissioner of Health. He and his large staff of assistants<sup>11</sup> attend to the preservation of the health of the city and see that the laws are enforced in regard to public health. The inspection of meats, bakeries, milk and candies, and the quarantine of vessels entering the port, and the vaccination of the people by physicians who act as health wardens in each ward, fall within the purview of this department.

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<sup>10</sup>The Police Commissioner is a state officer and is hence treated separately, though his duties are such as would fall within this department. See close of this chapter.

<sup>11</sup>He commands, among others, the assistance of two assistant commissioners, a bacteriologist, medical examiner, and a corps of 41 nurses, 12 in the Bureau of Communicable Diseases, 24 in the Tuberculosis Division, and 3 in the Tuberculosis Dispensary. Charter, art. I, secs. 71-8.

No one may fill this post, which carries a salary of \$4,000, unless he has served for ten years as an architect or builder in responsible posts. His duties are to supervise the construction of all buildings in which public gatherings are held or factories where more than twenty-five persons are employed. In addition he superintends the construction and repair of all buildings erected by the city. Selection is made by the mayor in the usual way.

**3. Inspector of Buildings,  
\$4,000**

This city official, appointed at a salary of \$3,000, attends to the cleaning of the streets and sewers, performing the latter function subject to the direction of the highways engineer.

**4. Commissioner of Street Cleaning,  
\$3,000**

The Board of Public Improvements, with advisory powers only, consists of the Chief Engineer, Highways Engineer, Water Engineer, Harbor Engineer, and Inspector of Buildings.

**IV. Department of Public Improvements**

At the head of this board as president stands the Chief Engineer, an appointee of the mayor in the usual mode, who must be a civil engineer of five years' active experience in responsible positions. He draws a salary of \$7,500. He must assume active supervision of all engineering questions and matters connected with every public improvement made by the council, any department, or board. He is the Chief Engineer of the Paving Commission and advises the Board of Estimates.

**Chief Engineer,  
\$7,500**

The distinctive functions of this engineer are the supervision and control of streets, highways, lanes, and alleys of the city, as to construction, paving, curbing, and maintenance;<sup>12</sup> and the construction of sewers, unless other provision is made by law. To win appointment by the mayor and upper branch, he must be a civil engineer of five years' experience in responsible charge

**1. Highways Engineer,  
\$4,500**

<sup>12</sup>Charter, art. I, secs. 86-86C. It will be noted that his duties are those of the old city engineer. He must serve four weeks' notice on all persons and corporations interested in paving and repairing plans so that they may complete all digging up of streets or alleys contemplated. Thereafter it is permissible only with a permit from the mayor and this official.

of the work on which he was engaged. His salary is the conventional one allotted to engineers of \$4,500. A Bureau of Information and Complaint is conducted in this sub-department.

**2. Water  
Board**

**Water  
Engineer,  
\$4,000**

The Water Board has charge of the water supply of this city. It consists of five persons, one of whom, an experienced civil engineer, is known as the Water Engineer, and serves as president of the Board. He receives a salary of \$4,000, while the rest serve without pay. The engineer appoints all his subordinates, subject to the approval of the Board, and fixes their compensation within limits. The Board has certain powers in regard to the assessing, establishing, and abating of rates by meter.

**3. Harbor  
Board**

**Harbor  
Engineer,  
\$4,000**

A similar board of five persons, appointed by the mayor and Second Branch, has charge of the harbor, wharves, bridges, and navigable waters of the city. The president of the Harbor Board is known as the Harbor Engineer and is designated by the mayor as president of this board. He must meet the requirements of training and experience prescribed for all engineers and receives in compensation for his services \$4,000—the only paid member of the board. The board controls the city ice-boats, using them to prevent obstruction by ice to navigation of the harbor and the channels.<sup>13</sup>

**City  
Surveyor,  
\$3,000**

The surveyor performs the duties usually incident to that office—makes surveys of land bought or sold by the city, of streets and bridges, laid out or changed. He draws a salary of \$3,000 and turns over all fees to the comptroller.

**5. Miscellaneous Sub-  
Depart-  
ments**

The charter is not so clear on a number of other sub-departments as is desirable. It lists in addition, as sub-departments of this department, a Commission of three on City Plan, a Topographical Survey Commission, a Paving Commission, and an Electrical Commission.

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<sup>13</sup>Inspector of Buildings is listed here again as the head of the 4th sub-department of Public Improvements, in his capacity of director of the construction and repair of all buildings by the city.—sec. 89.



They perform the duties suggested by their names as imposed upon them by ordinance;<sup>14</sup> but they are subject to the chief engineer who is also final arbiter in all controversies that may arise between sub-departments or between engineers. He may summon all the city engineers and city surveyor for consultation.

**Chairman  
Paving  
Commission,  
\$3,500**

This is an unpaid board of five members, serving for five years, among whom one is designated by the mayor as president. It controls all public squares, parks, boulevards, and monuments belonging to the city with power to rent or lease property for additional needs. In order to preserve order in the parks and squares it may secure the detailing of police by the Police Commissioners and regulates the speed of vehicles and equestrians in the parks. It has power to establish athletic fields and playgrounds in the parks for the school children, and is authorized to form zoological collections. Finally, it distributes the park fund.

**V. Department  
of Parks  
and  
Squares**

The Board of School Commissioners is charged with the care of the public schools of the city, working through professional experts.

**VI. Depart-  
ment of  
Education  
Supt., \$8,000**

The board in charge of this department is composed of the mayor, the president of the Supervisors of City Charities, the president of the Visitors of the City Jail, and one other member of each of these boards. It has power only of advice.

**VII. Depart-  
ment of  
Charities  
and Cor-  
rections**

**Board of  
Charities**

**1. Supervisors  
of City  
Charities**

City charities are directed by a board of nine persons, appointed by the mayor and council in the usual way, for six years, three of whom retire at the end of each two years. Members must have been citizens of the state for five years and residents of Baltimore for one year. Religion or party are not to be regarded in their selection. They receive no pay for their services, but command the time of a paid secretary. They have the management of the criminal, poor, and insane of the

**Secretary,  
\$3,000**

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<sup>14</sup>The Topographical Commission consists of the mayor, comptroller, and register. The Paving Commission was created by an act of the legislature.



city, with a view to the economical, intelligent, and humane meeting of the problem of their care. They control the city almshouse at Bayview and appoint its superintendent; supervise the expenditure of the appropriations to dispensaries and hospitals; and direct all matters relating to the support, treatment, and employment of all paupers and vagrants in the almshouse.

**2. Visitors of  
City  
Jail**

An unpaid board of nine has charge and control of the city jail and all other penal institutions of the city. They supervise all persons committed to the reformatory or criminal houses; see that prisoners are kept at hard labor, and select a warden to manage the jail; make by-laws for the institutions; have power to visit the jail at will; and may call on the Lunacy Commission to examine and pass on the mental condition of convicts.

**VIII. Depart-  
ment of  
Review and  
Assessment  
Board**

The board which is at the head of this department is composed of the president of the Appeal Tax Court, the president of the Commissioners for Opening Streets, and the mayor. It is invested with advisory powers only.

**1. Appeal Tax  
Court,  
\$3,600  
Each**

Three judges, appointed by the mayor and Second Branch of the council for three years, one retiring each year, serve as a court to hear appeals concerning taxes, to make transfers of property on the tax books, to value and assess real and personal property, and to correct assessments. They may also appoint assessors to return assessable property which has been omitted from the books. A special duty rests on the court once in five years to make a general revision. Appeal lies, within thirty days, to the State Tax Commission.

**2. Commis-  
sioners for  
Opening  
Streets,  
\$2,500  
Each**

A board of three persons, one of whom is designated in the mayor's appointment as president, carries out the ordinances directing that any street, lane, or alley be opened, extended, widened, straightened, graded, or closed. It assesses the sums to be paid the city by neighboring property holders for benefits accruing to their property and damages to be paid by the city for resulting injuries. Members receive a salary of \$2,500. Appeal lies within thirty days to the Baltimore City Court.

There are a considerable number of officers and commissions which are not included in any department. The mayor with the approval of the Second Branch appoints a city librarian, who under the direction of the city register has charge of all books, documents, archives, records, and papers of the city. He furnishes the departments with the stationery and printed matter as needed, entering into contract with dealers for the supplies for the city.

**IX. Officers  
Not  
Included  
in Depart-  
ments**

**1. Librarian,  
\$2,400**

The effort to secure some system in the laying out of our city streets and in improving the transit system has resulted in this commission, consisting of the mayor and eight other members who serve without pay, though they are authorized to elect a paid secretary. They investigate all plans proposed for the construction or extension of public highways in Baltimore and the establishment of a civic center or other public improvements in connection with it. The results of such investigations are reported to the mayor and council.

**2. Commission  
on City  
Plans**

Some regard for the aesthetic in our attempts at beautifying the city has resulted in an unpaid board of eight persons, of whom the mayor is one, which must approve the design of every statue, fountain, gateway, or other monument placed in any street, park, or building belonging to the city. It may also at the request of the mayor report on the design of any building.<sup>15</sup>

**3. Art Com-  
mission**

The newest, and one of the most important bodies, so far as government is concerned, is the City Service Commission, composed of three persons, who will ultimately serve for six years without pay.<sup>16</sup> Appointments are made in the usual way from persons friendly to the merit system of appointment to office; not more than two may be members of the same political party; and no

**4. City  
Service  
Commission**

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<sup>15</sup>This body is clumsily made up but with an effort to command persons of good taste, as they are named by the mayor, one each from the lists submitted by the following groups: Maryland Historical Society, the Johns Hopkins University, Peabody Institute, Maryland Institute, Architectural Club, Park Commissioners, and Charcoal Club. Charter, art. I, secs. 201-3.

<sup>16</sup>This commission has existed only since 1920.

Examiner,  
\$3,000

one holding any public office of profit may be named. Removals may be made in the usual way for the usual causes. The commissioners appoint a chief examiner at a salary of \$3,000 who acts as secretary of the Board and Register of Labor, and also superintends any examination, supervises the administration of the rules of the commission, and performs such other duties as the commission may prescribe.

a. Duties

The commission makes rules to carry out this portion of the charter and provides for appointments and employments in all positions in the classified service, based on merit, efficiency, character, and industry; it has power to investigate all matters touching the execution of this part of the charter and the rules adopted by it. It may report any person for violation of this rule of merit appointment to the mayor for summary dismissal. The merit system applies only to subordinate officials, as the qualities called for in heads of departments, such as tact, ability to work with others, and a due deference to public opinion can be measured by no tests. Commissioners classify all offices to which appointment is made by any one other than the mayor or council, except teaching or supervisory positions, into four classes:

a. Exempt class, including all offices, except those of laborers, for the filling of which the commissioners decide competitive examinations to be impracticable. But every appointing officer may require the applicant to be examined by the commission.

b. Competitive class, including all positions for which it is practicable in their judgment to determine the fitness of applicants by competitive examination.

c. Non-competitive, including such positions as are in the exempt or labor class and impracticable to include in the competitive class.

d. Labor class, including unskilled and such skilled labor as may be so classified by the commission, though no clerical or office work or inspection work may be included.

The rules require that vacancies be filled in other than the exempt class by the provisional appointment of one of the persons certified by the commission, though provision is naturally made for emergency appointments. Provision is made for the keeping of efficiency records for each employee and for his promotion on the basis of merit. No person may be discharged, reduced, or suspended for his political or religious views or for refusing to contribute to any political fund or for refusing to render any political service. And in cases of removal, reduction, or suspension for more than a month, the employee shall be given the reasons for the action.

This antiquated title describes the official who attends to the lighting of the streets and parks of the city, and to the inspection of gas meters and of illuminating gas and oils. His salary is fixed at \$3,000.

5. Superintendent of Lamps and Lighting, \$3,000

Two constables are appointed for a term of two years for every ward in the city as conservators of the peace, by the governor and Senate.

6. Constables

As the name implies, the duties of this office are the watching, cleaning, and heating of the city hall, courthouse, and other municipal buildings.

7. Superintendent of Public Buildings, \$2,500

A progressive step was taken by Baltimore when it created a Department of Legislative Reference. The board at the head consists of the mayor, city solicitor, the president of the Johns Hopkins University, the president of the Municipal Art Society, the president of the Merchants and Manufacturers Association, all of whom serve without pay. The board has power to employ a competent statistician as its executive officer, subject to removal by the board for incompetence or neglect. This executive is required to report upon the laws of this and other states and cities relating to any subject upon which he is requested to report by the mayor, head of a city department, or any committee of the council; to collect data on the practical working of such laws; to investigate any matter which is the subject of proposed legislation by the Assembly or council; to prepare or advise

8. Department of Legislative Reference, \$3,000 (and salary from state)



in the preparation of any bill or ordinance upon request by the council; and to make all information readily accessible to city officials and open to the inspection of the public.<sup>17</sup>

Police  
Commis-  
sioner,  
\$10,000

A word for the understanding of our police system in Baltimore is necessary. There was so much disorder in Baltimore in 1860 that the legislature took over from the city the control of the police and put them under a board of Police Commissioners. At the session of 1920 this was changed, for the purpose of fixing greater responsibility, to a single commissioner appointed for a term of six years.<sup>18</sup> From 1902 on there has existed a board of three Police Examiners, appointed for two years by the governor with the consent of the Senate, two of whom must be adherents of the two leading political parties. It is the duty of this board to examine all applicants for appointment or promotion in the police force of Baltimore City, and to certify lists to the Police Commissioner from which all appointments and promotions are to be made, which lists are made up from candidates who pass the competitive examinations held from time to time. The salaries of these officials as of certain other state-appointed officials—Board of Liquor License Commissioners, Board of Election Supervisors, and some minor boards—are paid by the city. State control has been vigorously attacked.

The organization of administration into departments as provided for in the charter is of little practical significance, as most of the departments lack a responsible head. Where there are two or more sub-departments, it will be noted that provision is made for coordination and consultation by means of an ex-officio board. The city has provided by ordinance for a consolidated Engineering Board on which nine different technical branches of the city administration are represented. A large degree of central supervision results from the Board

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<sup>17</sup>This bureau as now conducted deserves wide recognition for its zealous and expert service to the public, as well as to city and state officials.

<sup>18</sup>Laws of 1920, ch. 559.



of Estimates in its budget-making capacity. But, in general, the responsibility rests with the mayor. By virtue of his charter powers, he has large power, sits ex-officio on a number of the boards, and holds a monthly meeting of the heads of departments.

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# CHART OF ADMINISTRATIVE ORGANIZATION OF BALTIMORE CITY

## I. Department of Finances.

Board of Finance—Advisory head composed of 6 executive officers; Comptroller, Register, President of Board of Estimates, President of Commissioners of Finance, City Collector, and Collector of Water Rents and Licenses.

1. Comptroller—Salary \$4,000.
2. City Register (Treasurer)—Salary \$3,800.
3. Board of Estimates, composed of 5 executive officers. Frames the budget. Composed of Mayor, City Solicitor, Comptroller, President of Second Branch (President), and President Board of Public Improvements (Highways Engineer).
4. Commissioners of Finance. Selects depositories for funds, custody of sinking funds. Five, composed of Mayor, Comptroller, Register, and two appointees of Mayor (without pay, one as president).
5. City Collector—Salary, \$2,000. Collects all taxes, city and state.
6. Collector of Water Rents and Licenses. Salary \$2,500.

## II. Department of Law.

1. City Solicitor—Salary, \$4,500. Legal advisor, prosecutes all trials for city.

## III. Department of Public Safety.

Head—Board of Public Safety, advisory only. Composed of: President of Board of Fire Commissioners (Pres.), Commissioner of Health, Inspector of Buildings, Commissioner of Street Cleaning, and Police Commissioner.

1. Board of Fire Commissioners, composed of 3 appointed. Salary \$1,500 (Pres.) and \$1,000.
2. Commissioner of Health. Salary \$3,500.
  - a. Bureau of Food and Dairy Inspection.
    - Bacteriologist
    - Medical Examiner
  - Bureau of Communicable Diseases
  - Tuberculosis Division
  - Plumbing Division
  - Fumigation and City Burials.
3. Inspector of Buildings. Salary \$4,000. Inspects buildings for public assemblies or factories employing more than 25 persons.
4. Commissioner of Street Cleaning. Salary \$3,000. Charge of cleaning of streets and sewers.

## IV. Department of Public Improvements.

Head—Chief Engineer. Salary \$4,500.

Board of Public Improvements (Advisory). Composed of Chief engineer, Highways Engineer, Water Engineer, Harbor Engineer, and Inspector of Buildings.

1. Highways Engineer. Salary \$4,500.
2. Commission on City Plan.

3. Topographical Survey Commission.
4. Paving Commission (created by legislative act).
5. Electrical Commission.
6. Water Board. Composed of 5 persons, President—Water Engineer. Salary \$4,000. Other members serve without pay.
7. Harbor Board. Composed of 5, President—Harbor Engineer, at salary of \$4,000; other members serve without pay.
8. Inspector of Buildings (same officer as in Department of Public Safety) without additional pay.
9. City Surveyor. Salary, \$3,000.

#### **V. Department of Public Parks and Squares.**

Board of 5 Park Commissioners without salary.  
Secretary—Salary \$2,100.

#### **VI. Department of Education.**

Board of 9 School Commissioners without salary.  
Superintendent of Public Instruction.

Board of Trustees of Teachers' Retirement Fund of Baltimore City. Composed of City Comptroller, Superintendent of Public Instruction, 2 members, Board of School Commissioners, elected by the Board, 3 teachers, elected by the teaching force of Baltimore.

#### **VII. Department of Charities and Corrections.**

Board of Charities and Corrections (Advisory).

Composed of 5, the president and one other member of the Supervisors of City Charities (President of the Board), the president and one other of the Visitors to the City Jail, and the Mayor.

1. Sub-department. Supervisors of City Charities.  
Board composed of 9—Term 6 years, without pay.  
Secretary of Board—Salary, \$1,500.  
Superintendent of Almshouse appointed by Board. Salary \$2,000.
2. Visitors of the Jail.  
Board composed of 9, without pay.  
Warden appointed by board.

#### **VIII. Department of Review and Assessment.**

Board of Review and Assessment (Advisory).

Composed of President of the Appeal Tax Court (President), President of the Commissioners for Opening Streets, and the Mayor.

1. Appeal Tax Court. Headed by 3 members. Term 3 years.  
Salary, \$3,100.  
Clerk—Salary, \$2,400.
2. Commissioners for Opening Streets.  
Board composed of 3. Term 3 years. Salary, \$1,800.

#### **Municipal Officers Not Included In Any Department.**

1. City Librarian—Salary, \$2,000.
2. Commission on City Plan. Composed of the Mayor and 8 other members, without salary.

3. Art Commission. Composed of the Mayor and 7 other members, without salary.
4. City Service Commission—to administer the merit system. Composed of 3 to serve without pay.
5. Superintendent of Lamps and Lighting—Salary, \$3,000.
6. City Surveyor—Term, 2 years. Salary—
7. Constables. Two for each ward. Term, 2 years.
8. Superintendent of Public Buildings. Salary, \$2,000.
9. Department of Legislative Reference. Board composed of Mayor, City Solicitor, President Johns Hopkins University, President Municipal Arts Society, and President Merchants and Manufacturers Association. (Non-salaried.)

**Municipal Officers Provided for by Ordinance.**

1. Architectural Commission, composed of 6.
2. Public Bath Commission.
3. City Forester.
4. Municipal Journal.

### **Wards in the Legislative Districts of Baltimore City**

First District: Wards 1, 2, 3, 4, 6, and 26.

Second District: Wards 7, 8, 9, 12, 13, 15, and 27.

Third District: Wards 10, 11, 14, 16, 19, 20, and 28.

Fourth District: Wards 17, 18, 21, 22, 23, 24,  
and 25.

### **Councilmanic Districts in Baltimore City**

First Councilmanic District: Wards 1, 2, 3, 4, 5,  
and 6.

Second Councilmanic District: Wards 7, 8, 9, 12,  
13, and 15.

Third Councilmanic District: Wards 10, 11, 14, 15,  
19, and 20.

Fourth Councilmanic District: Wards 17, 18, 21, 22,  
23, and 24.

Fifth Councilmanic District: Wards 25 and 26.

Sixth Councilmanic District: Wards 27 and 28.



## Chapter XVI

### CONCLUSION—RETROSPECT AND SURVEY

Just as in business it is well to stop and take an inventory now and then to see whether one is advancing or not, so it is well to pause in the business of government to see whether we are progressing, though the basis of measurement in the latter case is not dollars and cents but the weal of the state and happiness of the largest number of its citizens. Our goal is an efficient, economical, and pure democracy. Are we attaining measurably nearer to it?

#### Credits

Maryland has always been considered a conservative state, is supposed to pride herself upon the fact. And yet the person who studies her government closely will be surprised, in the face of that belief, to note what progressive measures have been accepted in this state. In some respects it is further advanced than a majority of the states of the Union. In some others it lags behind. On the credit side must be put her excellent system of roads, in regard to which she need yield to no other state; her budget system, for she is the only state with the true executive type of budget, apparently best suited to fix responsibility; the merit system of appointment to office, which is applicable to two-thirds of the positions of the state, under a single Employment Commissioner; compensation for injured workmen; a Public Service Commission; a State Tax Commission; a beginning, at least, toward conservation; a uniform system of accounting; the best educational law yet devised for the public schools; referendum for the laws to which some elements of the electorate object; a Corrupt Practices Act; provision for county home rule; constitutional power to improve our defective taxation system; and an effort at economy in a Central Purchasing Bureau; as well as direct primaries for the selection of candidates for office.

But on the debit side of our ledger stand certain features which almost cancel some of these assets. The referendum exists only in a partial form: the legislature can be prevented from passing laws felt to be detrimental by a given percentage of the people, but it cannot be forced to enact desired legislation. Whether the initiative may not be more harmful than helpful by perpetrating crude, badly-drawn laws is a debatable question, but at least there should be an opportunity for citizens to express themselves on this point. The Corrupt Practices Act needs further correction, for while it limits the amount a candidate may spend at an election, his friends are quite unlimited in their expenditures, and nothing touches more vitally the foundations of government than the question of absolutely honest elections. Today there is too great indifference to the question, for there is no reason why public sentiment should tolerate the defeat of a poor man at an election because of the too free use of money by his opponent any more than the defeat of justice by the use of money with jurors in a court-room. And there is too great lack of faith in our ability to remedy this wrong. County home rule is possible under the law, but evidently the counties are too apathetic or boss-ridden to want it. Meanwhile some of them suffer from an unnecessary number of offices and mete out justice by the antiquated, fee system, while the General Assembly fills its time with local legislation. The property could be classified for the whole state, but an indifferent legislature continues to refuse to act, and hence a system of unjust taxes continues to hamper industry. Undoubtedly, also, the Primary Law needs revision in some essential respects.

Probably the most startling defect at the present moment is the one upon which our attention is focused—the decentralization of our administrative system, a defect which we have good reason to believe will be attacked by the next legislature. This will, as has been pointed out, strengthen our budget system by enabling the governor to approach his estimates for departments with greater and surer information from department heads.

We still need a short ballot for all elections, rather than the cumbersome one which afflicts us at some elections, and a concentration of elections so that voters are summoned to the polls infrequently enough to have time to study the men and issues. The state has not developed its resources to the full; especially has she neglected conservation in a scientific sense, as is amply illustrated by the decline of the oyster industry. Proportional representation and the preferential ballot need careful consideration. And all this depends on a genuine interest and intelligence in matters of state government on the part of *all* classes of the population in measure sufficient to insure the permanence and continued development of democracy as it exists in Maryland.

## ELECTIONS IN BALTIMORE CITY

1921	1922	1923 (Spring)
Comptroller of the Treasury (2-year term).	Representative to U. S. House of Representatives.	Mayor.
6 members of House of Delegates in each Leg. Distr.	United States Senator (6-year term).	Comptroller of Baltimore City.
State Senator in 4th Leg. Distr.	1 judge of Supreme Bench (15-year term).	Pres. of Second Branch City Council.
Clerk of Baltimore City Court (6-year term).		2 members of Second Branch or
City Surveyor (2-year term).		1 member if in 5th or 6th Councilmanic Distr.
Clerk of Circuit Court (6-year term).		1 member of First Branch of City Council in every ward.
Clerk of Criminal Court (6-year term).		(Fall)
Clerk of Court of Common Pleas (6-year term).		Governor.
Register of Wills (6-year term).		Comptroller of Treasury.
Chief Judge of Supreme Bench (15-year term).		Attorney-General.
1 Associate Judge of Supreme Bench (15-year term).		Clerk of Court of Appeals (6-year term).
		State's Attorney (4-year term).
		Clerk of Superior Court.
		3 judges of Orphans' Court (4-year term).
		Sheriff (4-year term).
		City Surveyor.
		6 members of House of Delegates in each Leg. Distr.
		State Senator in 1, 2, and 3 Leg. Distrs. (4-year term).
		Clerk of Baltimore City Court.

Primaries are held by both parties before each of the elections listed above, at which voters will select (1) candidates for the above offices, (2) members of the State Central Committee, and (3) delegates to the State Convention in the years when a convention is held, where there is a contest. Judges might not be elected at the time scheduled, as vacancies might occur at any time, which would be permanently filled at the next election of Delegates for the full term of 15 years.

## ELECTIONS IN THE COUNTIES

1921	1922	1923
Comptroller of the Treasury (2-year term).	U. S. Representative.	Governor (4-year term).
Member of House of Delegates (No. fixed by Conct. for each Co.).	U. S. Senator.	Comptroller of Treasury.
State Senator in Allegany, Caroline, Cecil, Charles, Dorchester, Garrett, Harford, Montgomery, Prince George's, St. Mary's, Talbot, and Worcester Cos.	1 judge of Circuit Court in 2nd, 5th and 7th Circuits.	Attorney - General (4-year term).
County Surveyor (2-year term).		Clerk of Circuit Court of Appeal.
County Commissioners in Alleghany (3), Anne Arundel (7), Calvert (1), Caroline (1), Carroll (1), Cecil (2), Charles (2), Dorchester (2), Frederick (3), Garrett (2), Harford (5), Howard (1), Kent (1), Montgomery (3), Prince George's (1), Queen Anne's (3), St. Mary's (1), Somerset (1), Talbot (1), Washington (2), Wicomico (3), Worcester (2).		State's Attorney.
Register of Wills in Alleghany, Calvert, Carroll, Cecil, Charles, Dorchester, Frederick, Kent, Montgomery, St. Mary's, Somerset, Talbot, Wicomico, and Worcester.		Register of Wills in Anne Arundel and Howard Cos.
		3 judges of Orphans' Courts.
		Sheriff.
		County Surveyor.
		State Senator in Anne Arundel, Baltimore, Calvert, Carroll, Frederick, Howard, Kent, Queen Anne's, Somerset, Washington, and Wicomico Cos.
		Delegates to House of Delegates.
		County Treasurer in Frederick, Prince George's, Queen Anne's, Talbot, and Worcester Cos.
		County Commissioners in Baltimore (5), Calvert (1), Caroline (1), Carroll (1), Cecil (1), Frederick (2), Garrett (1), Howard (1), Kent (2), Montgomery (2), Prince George's (2), St. Mary's (1), Somerset (1), Talbot (1), Washington (3), Wicomico (2), Worcester (3).
		Clerk of Circuit Court in Charles, Garrett, and Queen Anne's Cos.



## Elections in the Counties—(Continued)

1921	1923
Clerk of Circuit Court in Baltimore, Calvert, Caroline, Carroll, Dorchester, Frederick, Harford, Howard, Kent, Montgomery, Prince George's, St. Mary's, Talbot, Washington, and Wicomico.	County Clerk in Washington Co.
Sheriff.	1 Road Director in Allegany Co.
County Treasurer (except, see for 1923).	
1 chief judge and 2 associates in 3rd Circuit.	
County Clerk in Allegany, Garrett, and Washington.	
3 Road Directors in Allegany.	
1 Associate Judge in 4th Judicial Circuit.	

Primaries are held by both parties before each of the elections listed above, at which voters will (1) select candidates for the above offices, (2) members of the State Central Committee, and (3) delegates to the State Convention, in the years a convention is held, in the counties where a contest occurs. Judges might not be elected at the time scheduled, as vacancies might occur at any time, which would be permanently filled at the next election of Delegates for the full term of 15 years. These tables are based upon data drawn from the Maryland Manual.

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